



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.2288 of 2020

A.Hussain @ Hussaini

... Petitioner/Accused No.2

Vs

State Rep.by
The Deputy Superintendent Of Police,
Marthandam Division, Nagercoil,
Marthandam Police Station,
Kanyakumari District.
(Crime No.372 of 2018)

... Respondent/Complainant

For Petitioner : M/s.T.Jeen Joseph, Advocate.
For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

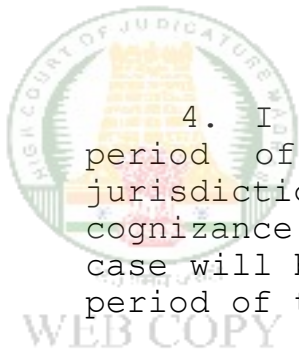
for Bail in Crime No.372 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 05.12.2019 for the offences under Sections 457(ii) and 380(ii) of I.P.C. in Crime No.372 of 2018 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner is involved in a case of idol theft. The petitioner is having previous case on the same nature. In the other case I had granted bail to the petitioner with certain directions. I am of the view that the course of action adopted in Crl.O.P.(MD)Nos.1348 and 1350 of 2020 can be adopted in this case also.



4. I directed the respondent to file final report within a period of three weeks in full and proper shape before the jurisdictional Magistrate. The jurisdictional Magistrate will take cognizance of the offences without any delay. The trial in this case will be concluded on merits and in accordance with law within a period of twelve weeks after the cognizance of the offence is taken.

5. The petitioner's counsel states that the petitioner will stay at Marthandam and sign before Marthandam Police Station daily at 10.00 a.m., and 09.00 p.m. This condition will be complied with till the trial in this case is over. The petitioner's counsel states that he will not apply for modification or relaxation of this condition. Of course on the date when the case is posted for trial, the petitioner need not appear at 10.00 a.m, instead the petitioner should appear at 08.00 a.m before the respondent police.

6. Subject to these conditions, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m., and 09.00 p.m. till the trial in this case is over and when the case is posted for trial, the petitioner need not appear at 10.00 a.m, instead the petitioner should appear at 08.00 a.m and thereafter as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
10/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
MARTHANDAM DIVISION, NAGERCOIL,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

+1 CC to M/s.T.JEEN JOSEPH, Advocate (SR-2662[I] dated 10/02/2020)

ORDER

IN

CRL OP(MD) No.2288 of 2020

Date :10/02/2020

MS/VR/SAR-3/10.02.2020/3P.8C