



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/02/2020

PRESENT

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

CRL OP(MD). No.3426 of 2020

Ajay

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.36/2020

... Respondent/Complainant

For Petitioner : M/s.N.Dilip Kumar, Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

To Bail in Crime No.36 of 2020 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 23.01.2020 for the offences under Sections 294(b), 307, 341 and 506(ii) of I.P.C. in Crime No.36 of 2020 on the file of the respondent police. Hence, he seeks bail.

3. By order dated 07.02.2020 in Crl.O.P.(MD)No.2019 of 2020, this Court had granted bail to the other accused. I had noted that the petitioners were creating noise in the nearby bus stand, it was the victim who had gone there to lodge his objection. That appears to have triggered the entire occurrence. The petitioner's counsel states that the petitioner was also injured and nine stitches were put on the head of the petitioner.

4. The petitioner's counsel on instructions states that the petitioner will stay at Tirunelveli District and report before Palayamkottai Police Station daily at 10.30 a.m., for a period of four weeks. The petitioner is strictly directed not to enter the



limits of Kanyakumari District during these periods. If this undertaking is breached, this Court will not hesitate to cancel the relief now granted and commit him into custody.

5. 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, Eraniel.

(ii) the petitioner is directed to appear before Palayamkottai Police Station daily at 10.30 a.m., for a period of four weeks and thereafter appear before the respondent police 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/-
26/02/2020

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

TO

- 1.THE JUDICIAL MAGISTRATE, ERANIEL.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.
- 4.THE INSPECTOR OF POLICE, ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 5.THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, PALAYAMKOTTAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.4139

ORDER IN
CRL OP(MD) No.3426 of 2020
Date :26/02/2020