



WEB COPY

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

Date : 08/06/2020

PRESENT

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

CRL OP(MD) . No.5655 of 2020

1. S.Ayyappan,
2. A.C.Shanmuga Sudhan, ... Petitioners 1 & 2/Accused Nos. 7&9

Vs

State Rep.by
The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.
(Crime No. 628 of 2020). ... Respondent/Complainant

For Petitioner : M/s.M.R.Sreenivasan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

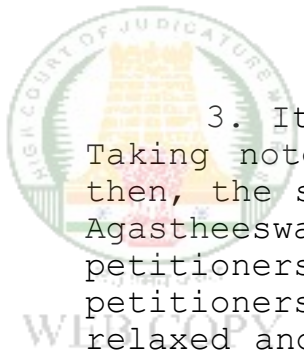
PRAYER :-

For Bail in Crime No. 628 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners are arrayed as accused Nos.7 and 9. They were arrested and remanded to Judicial Custody on 19.05.2020 for the offences punishable under sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002, in Crime No.628 of 2020 on the file of the respondent police. They seek bail.



3. It appears that the counter case has also been registered. Taking note of these aspects, I am inclined to grant relief. But then, the second petitioner Shunmuga Sudhan will not have to stay at Agastheeswaram Taluk for a period of four more weeks. The petitioners' counsel gives an undertaking on behalf of the petitioners that this condition will not be sought to be modified or relaxed and the second petitioner will stay at Nagercoil during the period of four weeks. After release from the jail, the second petitioner will not return to his village. He can straightaway go to Nagercoil from the jail.

4. Recording the said undertakings given by the petitioners' counsel, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 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 learned Judicial Magistrate No.I, Padmanabhapuram.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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/-
08/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
PADMANABHAPURAM.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE,
KANYAKUMAR DISTRICT JAIL AT NAGERCOIL.
4. THE INSPECTOR OF POLICE,
THUCKALAI POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5655 of 2020
Date :08/06/2020

PMU
AE/PN/SAR-III (08.06.2020) 3P 6C