



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2020

PRESENT

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

CRL OP(MD) . No.5793 of 2020

R.Mahesh,

... Petitioner/Sole Accused

Vs.

The State rep.by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
Crime No. 208/2020).

... Respondent/Complainant

For Petitioner : Mr.M.Sankar, 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. 208 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 08.05.2020 for the offences punishable under Sections 294(b), 324, 307, 506(ii) IPC and Section 4 of TNPHW Act, 2002 and seeks bail.

3.The learned Government Advocate (crl. Side) appearing for the respondent police points out that the petitioner is having four previous cases and he has caused cut injury on the stomach of the victim and that the victim was in hospital for 13 days.

4.The objections made by the learned Government Advocate (crl.Side) appearing for the respondent are rather strong.



5.The learned counsel appearing for the petitioner gives following two undertakings.

(i)The petitioner will take a Demand Draft for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) favouring the victim and enclose the same along with the petition to furnish sureties. This will be an unconditional payment, but it will be without prejudice to the petitioner's defence in the trial.

(ii)The petitioner shall keep off totally from the defacto complainant. His conduct will be such that he will not cause any breach of peace.It is made clear that if the undertaking to keep peace is breached, this Court will not hesitate to cancel the bail now granted to the petitioner herein.

6.Recording these two undertakings, 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 learned Judicial Magistrate,Boothapandy, Kanyakumari District;

(ii)the petitioner is 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
09/06/2020

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

ORDER

IN

CRL OP(MD) No.5793 of 2020

Date :09/06/2020

MYR

AE/PN/SAR-II (09.06.2020) 3P 6C