



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2020

PRESENT

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

CRL OP(MD) . No.6070 of 2020

Praveen

... Petitioner/Sole Accused

Vs

The State Rep. by its
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Cr.No. 56 of 2020.

... Respondent/Complainant

For Petitioner : M/s. R.J.Karthick,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail pending investigation in
Cr.No. 56 of 2020 on the file of the respondent.

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 the sole accused. He was arrested and
remanded to Judicial Custody on 08.03.2020 for the offences
punishable under sections 294(b), 307, 341, 387 and 506(ii) of
I.P.C., in Crime No.56 of 2020 on the file of the respondent police.
He seeks bail.

3. The learned Government Advocate(Crl. Side) states that the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner is having bad antecedents. He appears to have involved as many as eight previous cases.

4. The petitioner's counsel pointed out that even though the statutory period of 90 days have expired, the police have not filed final report as on date. The learned trial Magistrate has however chosen not to give default bail to the petitioner by referring to the order made in Crl.O.P.(MD)No.5296 of 2020 dated 11.05.2020.

5. As rightly pointed out by the learned counsel appearing for the petitioner, the order passed by me on 08.05.2020 in Crl.O.P(MD) No.5291 of 2020 is holding good as of now. It is true that the reference was made by the Hon'ble Division Bench. But then, in view of the matter being taken up by the Hon'ble Supreme Court, the Hon'ble Division Bench has deferred the proceedings.

6. I am therefore of the view that so long as the order passed by me is holding good, I am bound 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 be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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.II, Kuzhithurai, after the concerned Court is reopened on regular basis.

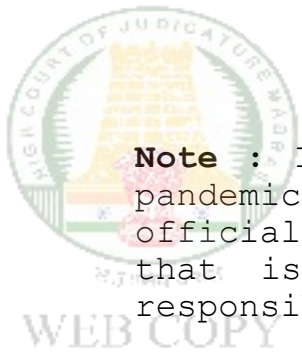
(ii)the petitioner is directed to appear before the respondent police as and when required for interrogation.

(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/-
12/06/2020

/ 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.II,
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
THIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6070 of 2020
Date :12/06/2020

PMU
TE/VR/SAR-II : 15/06/2020 : 3P/6C