



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

Date : 12/06/2020

WEB COPY

PRESENT

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

CRL OP (MD) . No.6181 of 2020

V.Komban

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.
(In Crime No.535 of 2012)

... Respondent/Complainant

For Petitioner : M/s.G.Anto Prince,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.535 of 2012 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(Criminal Side) appearing for the respondent.

2. The petitioner is the sole accused. He was arrested and remanded to Judicial Custody on 22.06.2017 for the offences punishable under sections 294(b) and 307 of I.P.C., @ 294(b) and 302 of I.P.C. in Crime No.535 of 2012 on the file of the respondent police. He seeks bail.

3. The petitioner is the sole accused in S.C.No.288 of 2017 on the file of the Fast Track Mahila Court, Kanyakumari District. The



petitioner's counsel states that the petitioner's right to conduct an effective defence will be seriously impaired.

4. I find some force in the said contention. The petitioner gives a further undertaking that the petitioner will not come in contact with any of the witnesses and that he would also attend all future hearings without any default. He will not contribute to delay in the proceedings. The petitioner is ready to report before the respondent police daily at 7.00 p.m. till the trial is over. The petitioner's counsel gives a specific undertaking that he will not apply for modification or relaxation of this condition.

5. Recording the undertaking given by the petitioner, 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 be released on own bond by the Judge 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 Fast Track Mahila Court, Kanyakumari District at Nagercoil, after the concerned Court is reopened.

(ii) the petitioner is directed to report before the respondent police daily at 7.00 p.m. till the trial is over.

(iii) on breach of any of the aforesaid conditions, the 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 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,
FAST TRACK MAHILA COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.6181 of 2020

Date :12/06/2020

PMU

SRS/ VR/ SAR-II/ 15.06.2020/ 3P/6C