



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

Date : 24/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6552 of 2020

A.Lawrence,

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Asaripallam Police Station,
Nagercoil, Kanyakumari District.
(Crime No. 160 of 2020).

... Respondent/Complainant

For Petitioner : M/s.P.Kalaiyarasi Bharathi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 160 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 Additional Public Prosecutor appearing for the respondent.

2.The petitioner is arrayed as accused No.2. He was arrested and remanded to Judicial Custody on 26.05.2020 for the offences punishable under sections 294(b), 307 and 506(ii) of I.P.C., in Crime No.160 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that on 25.05.2020, at about 08.30 p.m., due to some wordy quarrel between one Purusoth, who is the brother of the defacto complainant, and the accused persons, the petitioner attacked the brother of the defacto complainant by using stick and bottle and caused injuries. Hence, a complaint.



4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor would submit that the injured person has already been discharged from the hospital and he has no objection to grant bail to the petitioner.

6.Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil;

(b)The sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)The petitioner shall report before the respondent Police on every Monday and Friday at 10.00 a.m., until further orders, for interrogation;

(d)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)The petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/06/2020

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

ORDER
IN
CRL OP(MD) No.6552 of 2020
Date :24/06/2020

GNS
AE/RSK/SAR-II (24.06.2020) 3P 6C