



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6642 of 2020

Justinsam @ Justin Dhas

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.230/2020)

... Respondent/Complainant

For Petitioner : M/s.A.Balakrishnan, 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. 230 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

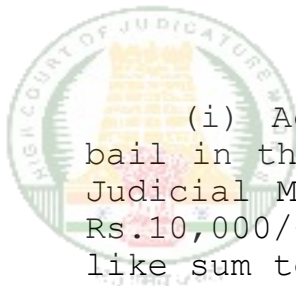
Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is in custody since 25.05.2020 for the offences under Section 379 of I.P.C. in Crime No.230 of 2020 on the file of the respondent police. Hence, he seeks bail.

3.The case of the prosecution is that the petitioner attempted to illegally transport the rock stone with the help of Hitachi.

4.The learned Government Advocate (Crl. Side) submitted that there is no previous case against the petitioner.

5.Taking note of the facts and circumstances of the case, this Court is 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) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel, on his executing 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 Magistrate concerned;

WEB COPY (ii) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) by way of Demand Draft, in favour of 'The Dean, Kanyakumari Government Medical College and Hospital, Kanyakumari', on or before 11.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

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

(iv) the petitioner shall report before the respondent police daily for a period of two weeks and thereafter as and when required for interrogation.

(v) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(vi) the petitioner shall not abscond either during investigation or trial.

(vii) 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].

(viii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/06/2020

/ 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



TO

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

COPY TO:

THE DEAN,
KANYAKUMARI GOVERNMENT MEDICAL COLLEGE AND HOSPITAL,
KANYAKUMARI.

ORDER
IN
CRL OP(MD) No.6642 of 2020
Date :26/06/2020

MS/PN/SAR-2/26.06.2020/3P.7C