



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6819 of 2020

Mohan(Theevaravathi Mohan) ... Petitioner/1st Accused

Vs

Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Cr.No. 465 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.
For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No. 465 of 2020 on the file of the respondent police.

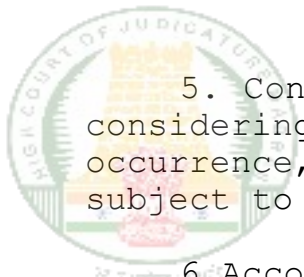
ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 294(b), 307 and 506(ii) of IPC.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other accused abused the defacto complainant in filthy language and made an attempt to kill the defacto complainant and threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in custody for more than 35 days.

4. The learned Additional Public Prosecutor would submit that no one sustained injury in the said occurrence.



5. Considering the facts and circumstances of the case and also considering the fact that no one sustained injuries in the said occurrence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall stay at Sivagangai and report before Sivagangai Town Police Station daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
29.06.2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, Eraniel.
2. -Do- Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
3. The Officer In Charge, District Jail, Nagercoil
4. The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6819 of 2020

Date : 29/06/2020

VB SKN SAR 3 (29.06.2020) 3P 6C