



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

Date : 22/07/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

**CRL OP(MD) . No.7093 of 2020**

Selvaraj, ... Petitioner/Sole Accused

Vs

The State rep.by  
The Inspector of Police,  
Kollencode Police Station,  
Kanyakumari District.  
Crime No.620/2020.

... Respondent/Complainant

For Petitioner : M/s S.C.Herold Singh,  
Advocate.  
For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

PRAYER :-

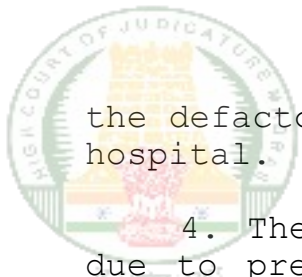
For Bail in Crime no.620 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 01.06.2020 for the alleged offences under Sections 294(b), 307, 323 and 506(ii) of IPC.

2. The case of the prosecution is that due to previous enmity on the date of occurrence the petitioner herein in an inebriated mood attacked the defacto complainant with aruval and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that there was a sudden quarrel between the petitioner and the defacto complainant, out of which the petitioner is said to have attacked



the defacto complainant and the injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity on the date of occurrence the petitioner herein in an inebriated mood attacked the defacto complainant with aruval and caused 14 cut injuries and injured was also discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that injured was discharged from the hospital and also taking into consideration the period of incarceration, 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 No.II, Kuzhithurai

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 report before the respondent police on every Monday 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/-  
22/07/2020

/ TRUE COPY /

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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.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,  
KOLLENCODE POLICE STATION,  
KANYAKUMARI DISTRICT.
4. THE SUPERINTENDENT,  
PALAYAMKOTTAI CENTRAL PRISON,  
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.7093 of 2020  
Date : 22/07/2020

AAV

AE/PN/SAR-II (22.07.2020) 3P 6C