



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

Date : 16/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7340 of 2020

John Jebaraj

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Cr.No. 374 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Sankar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime No 374 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 08.06.2020 for the alleged offence under Sections 294(b), 324,307, 506(ii) of IPC and Section 4 of TNPHW Act.

2. Totally there are three accused in this case. The petitioner herein is arrayed as A1. The case of the prosecution is that there was a matrimonial dispute between the petitioner and his wife/defacto complainant and she left the matrimonial home two days prior to the date of occurrence. Thereafter the petitioner along with other accused persons went to the house of the defacto complainant and assaulted the injured/defacto complainant. Hence the



3. The learned counsel for the petitioner would submit that it is a matrimonial dispute between the parties and only with the wreck vengeance a false case has been foisted against the petitioner. He would also submit that similarly placed co-accused namely A2 and A3 in this case were released on bail by the Sessions Court. He would also submit that the petitioner is in jail for nearly 38 days. Hence, he may be granted bail.

4. The Government Advocate(Criminal Side) would submit that it is matrimonial dispute between the parties and the injured/defacto complainant was discharged from the hospital. He would also submit that similarly placed co-accused in this case namely A2 and A3 were released on bail by the Sessions Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute between the parties and also the fact that the similarly placed co-accused in this case namely A2 and A3 were granted bail by the Sessions Court and also the fact that the 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,Boothapandi, Kanyakumari District.

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 as and when required for interrogation.

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/-
16/07/2020

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/ /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,
BOOTHAPANDI,
KANYAKUMARI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7340 of 2020
Date :16/07/2020

AAV

<https://hccs.ecourts.gov.in/rcservices/> 16.07.2020/ 3P/6C