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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7549 of 2020

Abish @ Abish Monu,

... Petitioner/Accused No.8

Vs

State rep.by its
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District
(Crime No. 589 of 2019).

... Respondent/Complainant

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

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.589 of 2019 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A8 herein was arrested and remanded to judicial custody on 03.05.2020 for the alleged offence under Section 395 of IPC.

2. Totally there are eight accused in this case. The case of the prosecution is that petitioner herein along with other accused went into the room of the defacto complainant with deadly weapons and also stolen mobile phones, Rs.11,500/-cash and also ID card of the defacto complainant and ran away from the scene of occurrence.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the petitioner is in jail for nearly 72 days. He would also submit that no previous case is pending against the petitioner. Hence, he may be granted bail.



4. The Additional Public Prosecutor would submit that there are totally eight accused in this case and the petitioner is arrayed as A8. He would also submit that the petitioner is not having any previous case but the main accused namely A3 and A4 are having previous cases under Section 394 of IPC and they are habitual offenders. He would also submit that A3 and A4 are still absconding. He would also submit that co-accused in this case was granted bail by this Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is no previous case pending against the petitioner and also the fact that the petitioner herein only accompanied A3 and A4 who are the main accused involved in dacoity and also taking into consideration the period of incarceration and also the fact that co-accused in this case was granted bail by this Court, 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, 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 daily at 10.30 am., 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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/07/2020

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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.

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

ORDER
IN
CRL OP(MD) No.7549 of 2020
Date : 20/07/2020

AAV
AE/PN/SAR-II (20.07.2020) 3P 6C