



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8183 of 2020

Saravanan

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Kanyakumari Police Station,
Nagercoil.
Cr.No. 108 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.Balasubramanian,
Advocate.

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

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

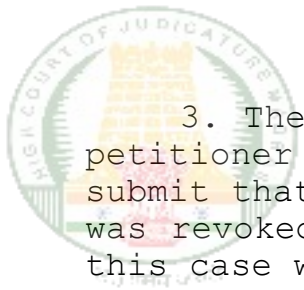
PRAYER :-

For Bail in Cr.No.108 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 29.08.2019 for the alleged offences under Sections 294(b), 307, 341 and 506(ii) of IPC.

2. There are totally four accused in this case. The petitioner herein is arrayed as A2. The case of the prosecution is that earlier there was a quarrel between the petitioner and the injured/defacto complainant, who is a school going boy while playing cricket, due to the same all the petitioners said to have attacked the defacto complainant and caused injuries.



3. The learned counsel for the petitioner would submit that the petitioner is in jail for more than eleven months. He would also submit that earlier he was detained under Act 14 and subsequently it was revoked on 30.06.2020. He would also submit that co-accused in this case was released on bail. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity all the petitioners said to have attacked the defacto complainant and caused injuries. He would also submit that the 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 co-accused in this case was released on bail and the injured person was also 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.I, Nagercoil

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 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/-
05/08/2020

/ 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 concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, NAGERCOIL.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8183 of 2020
Date :05/08/2020

AAV
TE/VR/SAR-II : 05/08/2020 : 3P/6C