



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

Date : 14/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8403 of 2020

M.Rajesh Kumar

... Petitioner/Accused 7

Vs

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : M/s.Ramanathan, Advocate
for M/s.G.Cenil, 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.760 of 2020 on the file of the respondent police

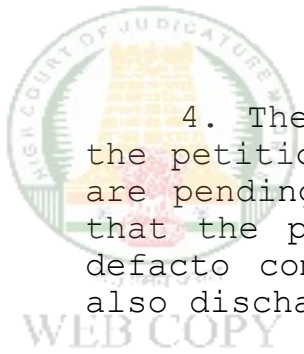
ORDER : The Court made the following order :-

The petitioner/A7 herein was arrested and remanded to judicial custody on 23.06.2020 for the alleged offences under Sections 147,294(b), 324, 307 and 506(ii) of IPC.

2. There are totally nine accused in this case. The petitioner herein is arrayed as A7. The case of the prosecution is that on the date of occurrence the defacto complainant was celebrating his birthday party at that time the petitioner herein along with other accused asked to supply kanja which was refused by the defacto complainant, at that time the petitioner herein along with other accused said to have attacked the defacto complainant and others with bottle and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the name of the petitioner does not found place in the First Information Report and the co- accused in this case was released on bail by the Sessions Court and the injured was also discharged from the hospital.

<https://heservices.ecourts.gov.in/hceservices/>



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a notorious rowdy element and six previous cases are pending against him for various offences. He would also submit that the petitioner herein along with other accused assaulted the defacto complainant and other with bottle and now 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 the name of the petitioner does not found place in the First Information Report and the co-accused in this case were granted bail by the Sessions Court and also the fact that the injured was discharged from the hospital, 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, Kulithurai.

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 once in a week of 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/-
14/08/2020

/ TRUE COPY /

/08/2020
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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO I,
KULITHURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8403 of 2020
Date :14/08/2020

AAV
TK/PN/SAR.2/14.08.2020/3P/6C