



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

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8547 of 2020

Johnrose

... Petitioner/A3

Vs

State Rep.by its
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Crime No. 334 of 2020.

... Respondent/Complainant

For Petitioner : M/s. N.S. Ramakrishna Dass,
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. 334 of 2020 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 19.07.2020 for the alleged offences under Sections 294(b), 323, 324, 307 and 506(ii) of IPC.

2. There are totally four accused in this case. The petitioner herein is arrayed as A3, who is the father-in-law of the defacto complainant. The case of the prosecution is that there was a family dispute between the parties and the wife of the defacto complainant is living with her parents. On the date of occurrence the defacto complainant went to the house of petitioner and asked his wife for re-union at that time the petitioner herein said to have attacked the defacto complainant 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 the petitioner. He would also submit that the petitioner is aged about 60 years and he is in jail for more than 30 days, hence he may be granted bail.

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4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused abused the defacto complainant in filthy language and also assaulted him and caused injuries. He would also submit that the injured was already discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is usual family dispute and the occurrence would have taken place in a wordy quarrel and taking note of the fact that the injured was already 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties (shall furnish common surety in CrI.O.P.No.8547 of 2020 and 8567 of 2020) 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 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/-

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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 NO.II,
KUZHITHURAI.
 2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
 - 3.THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
 - 4.THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8547 of 2020
Date :18/08/2020

AAV
AE/PN/SAR-II (18.08.2020) 3P 6C