



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

Date : 15/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9389 of 2020

Mohamed Anas

... Petitioner/
Accused rank not known

Vs

The State rep.by
The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District
(In Crime No. 255/2020).

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja,
Advocate.

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

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

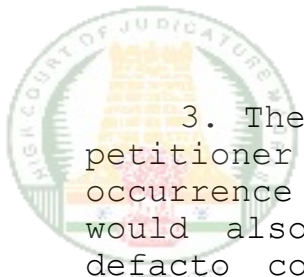
PRAYER :-

For Bail in Crime No. 255 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested and remanded to judicial custody on 21.08.2020 for the alleged offences under Sections 147,148,294(b),307, 506(ii) and 109 of IPC.

2. There are totally seven accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that A1, brother -in -law in this case is having matrimonial dispute with his wife, and the injured defacto complainant said to have conducted mediation between them and A1 said to have grievance over that. Due to the same on the date of occurrence A1 along with other accused persons waylaid the defacto complainant and attacked him with knife and caused injuries. So far as this petitioner is concerned he also said to have attacked the injured with iron rod and caused injuries.



3. The learned counsel for the petitioner would submit that the petitioner is the friend of A1 and he is not involved in the occurrence and he has been falsely implicated in the above case. He would also submit that only A1 has motive against the injured defacto complainant and he has nothing to do with the alleged offence. He would also submit that the injured was also discharged from the hospital.

4. The learned Government Advocate(Criminal Side) would submit that there was a previous enmity between A1 and the defacto complainant and in order to take revenge he engaged other accused including the petitioner herein and waylaid the defacto complainant and also attacked him with deadly weapons and caused injuries. Some of the accused persons are still absconding.

5. From the perusal of the records it is seen that only A1 has motive against the defacto complainant and even as per the First Information Report, seven persons said to have attacked the defacto complainant and subsequently based on the confession given by A1, overt act is attributing against the petitioner and he has been implicated. It is also stated that the injured was discharged from the hospital.

6. Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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.III, 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 *Shriji 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/-
15/09/2020

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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 NO.III,
NAGERCOIL.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
KANYAKUMARI.
4. THE INSPECTOR OF POLICE,
EATHAMOZHY POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9389 of 2020
Date :15/09/2020

AAV
SRS/ PN/ SAR-I/ 15.09.2020/ 3P/6C