



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10258 of 2020

R.Vijayakumar

... Petitioner/Accused 2

Vs

State Rep.by
The Sub Inspector of Police,
Vadaseri Police Station,
Kanniyakumari District.
Cime No. 489 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

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

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

PRAYER :-

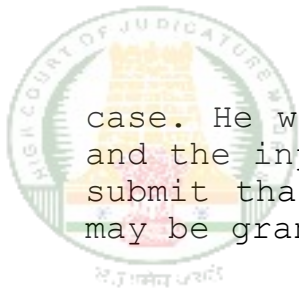
For Bail in Cr.No.489 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 13.08.2020 for the alleged offence under Section 307 of IPC, in Crime No.489 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that A2 in this case had illegal intimacy with A1 and the same was questioned by the defacto complainant, due to which A2 engaged the other accused and on the date of occurrence, when the injured person and the other person were sleeping in their house, all the accused persons said to have entered into the house of the petitioner and attacked the injured person and caused serious injuries. Based on the complainant given by the brother of the injured person, the crime has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this



case. He would further submit that A1 in this case was granted bail and the injured was also discharged from the hospital. He would also submit that the petitioner is in jail for nearly 45 days, hence he may be granted bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner along with A1 have planned to murder the injured person and engaged A3 and A4 and attacked the injured person and caused serious injuries. He further submitted that the injured person was already discharged from the hospital and A1 in this case was released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person was already been discharged from the hospital and co -accused was also released on bail and also considering 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.II at Nagercoil, Kanniyakumari 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 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.

WEB COPY

TO

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

ORDER

IN

CRL OP(MD) No.10258 of 2020

Date :30/09/2020

MS/PN/SAR-1/30.09.2020/3P.6C