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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11561 of 2020

Asvin @ Aswin Kumar

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.745 of 2020

... Respondent/Complainant

For Petitioner : Mr.T.Nelson,
Advocate.

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

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

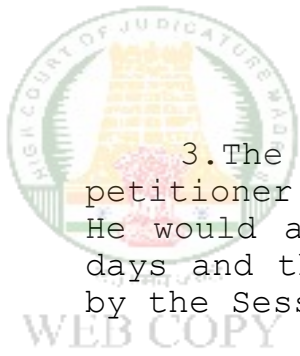
PRAYER :-

For Bail in Crime No.745 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 13.08.2020 for the offences punishable under Sections 294(b), 341 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 08.08.2020 at about 4.00 pm., while the deceased was on his way to home, the petitioner along with other accused waylaid the deceased, abused him in filthy language and attacked him on this head with iron rod and succumbed to injuries.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has no motive to murder the deceased. He would also submit that the petitioner is in jail for nearly 60 days and the co-accused in this case namely A1 was released on bail by the Session Court, he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that A1 in this case engaged other petitioners who are hirelings to away the life of the deceased. The petitioner and A1 intended to murder the deceased for the reason that he has relationship with one Paulraj. It is a day light murder and the investigation is still pending.

5. It is seen that 08.08.2020 at about 4.00 pm., while the deceased was on his way to home, the petitioner along with other accused waylaid the deceased, abused him in filthy language and attacked him on this head with iron rod and succumbed to injuries. It is also stated that A1 in this case was released on bail by the Sessions Court

6. Taking note of the above facts and circumstances of the case and 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram

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 and 5.30 pm., 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/-
16/10/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE NO I,
PADMANABHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE OFFICER INCHARGE
SUB JAIL, KUZHITHURAI,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11561 of 2020
Date :16/10/2020

AAV
TK/VR/SAR.3/16.10.2020/3P/6C