



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.12376 of 2020

1.Johnson
2.Nesco
3.Sorisjohn

... Petitioners/Accused
Nos.2 to 4

Vs

The State rep.by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
Crime No.379/2020.

... Respondent/Complainant

For Petitioners : Mr.M.Subash Babu,
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. 379 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 and A4 , who were arrested and remanded to judicial custody on 13.09.2020 for the offences punishable under Sections 294(b),342,307,302 and 506(ii) of IPC on the file of the respondent police seek bail.

2. The case of the prosecution is that on 12.09.2020 at about 08.30 hrs there was a wordy quarrel between the defacto complainant brother and one Prakah in which the defacto complainant's brother slapped Prakash and that was opposed by the first accused herein and there was a commotion between them. Hence on the very same day at about 09.30 hrs when the deceased crossed the first accused house there was a quarrel between the first accused and the deceased, in which the first accused said to have stabbed the deceased on his back. At that time second accused and others said to have caught hold of the deceased and when the defacto complainant intercepted between them he was attacked by the accused persons.



3. The learned counsel for the petitioner would submit that the petitioners are friends of A2. In so far as the first petitioner is concerned even as per the prosecution he attacked the defacto complainant and he sustained only simple injuries and treated as out patient. In so far as other accused persons are concerned they caught hold of the deceased. He would also submit that the petitioners are in jail from 12.09.2020, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners are having specific overt act. As per the First Information Report there was a quarrel between the first accused and the deceased at about 08.30 pm.,and thereafter it continued. Thereafter all the accused joined together and when the deceased proceeded further to his house the accused persons waylaid by the deceased and attacked him deadly weapons and thereafter he sustained grievous injuries and died. And when the defacto complainant intercepted he also sustained injuries and he was admitted in the hospital and discharged from the hospital on the next day. He would also submit that investigation is still pending.

5. It is seen that there are four accused in this case and the petitioners herein are arrayed as A2 and A4 and they are having specific overt act. It is also seen that wordy quarrel arose between the deceased and one Prakash, in which the defacto complainant sustained injuries and discharged from the hospital on the next day.

6. Taking into consideration all the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is not inclined to grant bail to the petitioners.

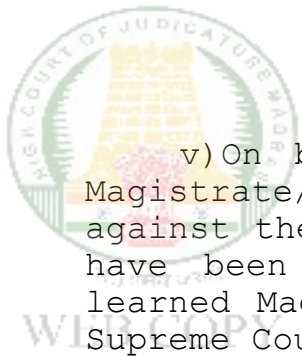
7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil

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 petitioners shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/11/2020

/ TRUE COPY /

/ /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.I, NAGERCOIL
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.7603

ORDER
IN
CRL OP(MD) No.12376 of 2020
Date :23/11/2020

AAV
TK/PN/SAR.2/23.11.2020/3P/7C