



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

Date : 23/11/2020

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PRESENT

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

CRL OP(MD). No.13270 of 2020

C.Renin

... Petitioner/Accused-8

Vs

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No. 438 of 2019.

... Respondent/Complainant

For Petitioner : Mr.P.Muthu Vijaya Pandian,
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.438 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 26.10.2020 for the offences punishable under Sections 147, 148, 294(b), 307, 323, 324 and 506(ii) of IPC, in Crime No.438 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused were said to have abused the defacto complainant by using filthy language and also attacked him with deadly weapons and caused injuries. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the injured sustained only simple injury and he was discharged from the



hospital. He further submitted that only based on the confession statement of the co-accused, the petitioner was added as accused and hence, he seeks bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the injured sustained only simple injury and he was discharged from the hospital.

6.It is seen that the injured sustained only simple injury and he was discharged from the hospital.

7.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:

8.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, 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 daily at 10.30 a.m for a period of four weeks and thereafter, as and when required.

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/-
23/11/2020

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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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, KUZHITHURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-7624[I] dated 24/11/2020)

ORDER

IN

CRL OP(MD) No.13270 of 2020

Date :23/11/2020

DSS

TK/VR/SAR.3/24.11.2020/3P/7C