



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

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13690 of 2020

Rajan

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : M/s.M.Subash Babu,
Advocate.

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

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

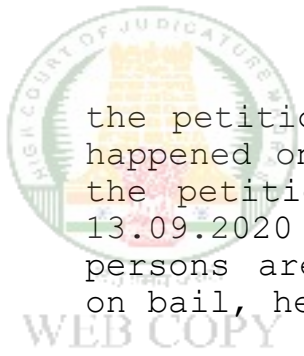
PRAYER :- For Bail in Crime No.379 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was 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
<https://hcservices.courts.gov.in/hcservices/> evidence took place in front of the petitioner's house and as such



the petitioner had no intention to murder the deceased and it was happened only due to sudden provocation. He further submitted that the petitioner was arrested and remanded to judicial custody on 13.09.2020 and he is still in custody. In so far as other accused persons are concerned they were arrested and subsequently released on bail, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit 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. He would also submit that co-accused in this case were granted bail by this Court.

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 petitioner is ordered to be released on bail on his 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 petitioner shall stay at Madurai and report before the Tallakulam police Station daily at 10.30 a.m for a period of four weeks and thereafter before the respondent police daily at 10.30 am., 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/-

01/12/2020

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

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.13690 of 2020

Date : 01/12/2020

MS/PN/SAR-3/01.12.2020/3P.7C