



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.13665 of 2020

Stephin @ Arokiya Stephin

... Petitioner/4<sup>th</sup> Accused

Vs

State Rep.by  
The Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari,  
Kanyakumari District.  
(In Crime No.210 of 2018)

... Respondent/Complainant

For Petitioner : M/s.G.Aravinthan,  
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. 210 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 22.10.2020 for the offences punishable under Sections 147,294(b),323, 341, 395, 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons said to have waylaid the defacto complainant, abused him in filthy language and also taken Rs.1500/- and a cell phone from the defacto complainant and also criminally intimidated him.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the properties have been recovered and co-accused were released on bail, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is almost completed and the properties were also recovered. He would further submit that co- accused in this case were granted bail.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the properties were recovered and co- accused in this case were granted bail, 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.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, 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 report before the respondent police daily at 10.30 a.m 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

/ 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, 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, DISTRICT PRISON,  
NAGERCOIL, KANYAKUMARI DISTRICT.

4. THE INSPECTOR OF POLICE, KANYAKUMARI POLICE STATION,  
KANYAKUMARI, KANYAKUMARI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ARAVINTHAN, Advocate ( SR-7793[I] dated 01/12/2020 )

ORDER

IN

CRL OP(MD) No.13665 of 2020

Date :01/12/2020

MS/PN/SAR-2/01.12.2020/3P.7C