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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2915 of 2021

John Kabord @ John Koovaldu

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.16 of 2021

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji,
Advocate.

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

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

PRAYER :-

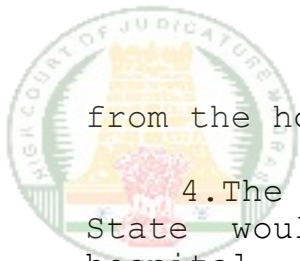
For Bail Crime No.16 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein who was arrested and remanded to judicial custody on 19.01.2021 for the alleged offence under Sections 341,294(b),307 and 506(ii) of IPC on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute the petitioner herein along with other accuses said to have abused, attacked the defacto complainant and also criminally intimidated him. Hence the complaint

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the injured got discharged



from the hospital.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the injured got discharged from the hospital. He would also submit that three previous case is pending against the petitioner and he is rowdy element. He would also submit that A2 and A3 are still absconding.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the injured got discharged from the hospital, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall draw a demand draft in favour of Dean, Kanyakumari Medical College Hospital at Nagercoil for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to the Magistrate while executing sureties.

[b] On acknowledgment of the same the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel.

[c] 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;

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e]the petitioner shall not abscond either during investigation or trial.

[f]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g]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].



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/02/2021

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/ /2021

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

COPY TO:

THE DEAN
KANYAKUMARI MEDICAL COLLEGE HOSPITAL AT NAGERCOIL.

ORDER
IN
CRL OP(MD) No.2915 of 2021
Date :24/02/2021

AAV
TK/PN/SAR.2/24.02.2021/3P/7C