



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3718 of 2021

Rajkumar

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Arumanai Police Station,
Arumanai,
Kanyakumari District.
Crime No. 55 of 2021..

... Respondent/Complainant

For Petitioner : Mr.Ramakrishna Dass.N.S,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.55 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein, who was arrested and remanded to judicial custody on 15.02.2021 for the alleged offence under Sections 294(b), 452, 324 and 307 of IPC, in Crime No.55 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to previous enmity, the petitioner was said to have trespassed into the defacto complainant's house and attacked him and his wife with iron pipe and caused injuries. Hence, the present complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the injured persons have already been discharged from the hospital. Hence, he



4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner is having 21 previous cases and all the cases are not in similar in nature. Hence, he opposed to grant bail to the petitioner. He further submitted that the injured persons have already been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and the injured persons have already been 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 on his executing 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 Judicial Magistrate Court No.I, 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 stay at Madurai and report before the Tallakulam Police Station, daily at 10.30 a.m for a period of three 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/-
30/03/2021

/ TRUE COPY /

/ /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 NO.I,
KUZHITHURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, ARUMANAI,
KANYAKUMARI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION ,
MADURAI.

+1. CC to Mr.N.S.Ramakrishna Dass, Advocate SR.No.2714

ORDER

IN

CRL OP(MD) No.3718 of 2021

Date :30/03/2021

NR/VR/SAR-II(30.03.2021) 3P:8C