



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

Date : 25/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8345 of 2021

Sekar

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Boothapandy Police Station,
Through Public Prosecutor,
Nagercoil,
Kanniyakumari District.
Crime No. 426 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.V.Vairam Santhosh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.426 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 27.11.2020 for the offences punishable under Sections 294(b), 323, 506(ii) and 302 of IPC in Crime No.426 of 2020 on the file of the respondent police, seeks bail.

2. The deceased/Jebasingh in this case is the husband of the defacto complainant. The case of the prosecution is that on 26.12.2020 at about 05.15 pm., when the defacto complainant was going to a marriage function she saw her husband, uncle Jones and Devarajan standing there. Her uncle told her that there was a fight between her husband and one Sekar in Thadikarankonam bar; that is why they brought her husband in the two wheeler. He also informed her that Sekar told that he would murder her husband. So he asked her to take her husband to the home. When the defacto complainant was asking her husband to come home, at that time, Sekar came there



in an auto bearing Reg. No. TN 75 AC 4308, scolded the deceased in filthy language and stabbed him with screw driver repeatedly on the left frontal region of the head. As result of the injuries sustained he died.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that, earlier the petitioner was detained under Act. 14 and the same was set aside by this Court on 21.06.2021. He would further submit that the petitioner is in judicial custody from 27.11.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed the bail petition on the ground that if the accused is released on bail he may abscond again. He further submitted that the investigation is completed and the final report has been filed before the concerned Court and the same has been taken cognizance in PRC No.02 of 2021

5. The facts of the case shows that the in a fight the petitioner said to have stabbed the deceased with screw driver. There was also some fight between the victim and defacto complainant prior to the occurrence. Earlier the petitioner was detained under Act. 14 and the same was set aside by this Court on 21.06.2021.

6. Taking note of the fact and circumstances of the case and also the fact that the final report has been filed before the concerned Court and pending committal and the fact that the petitioner is in judicial custody from 27.11.2020, this Court is inclined to grant bail to the petitioner

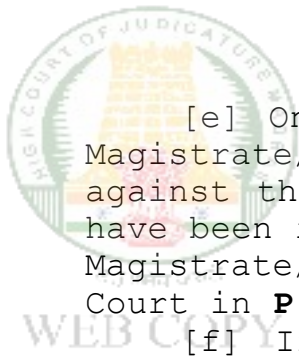
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Boothapandi, Kanniyakumari District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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



[e] 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]**.

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

sd/-

25/06/2021

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

ORDER

IN

CRL OP(MD) No.8345 of 2021

Date :25/06/2021

AAV

PK/MNR/SAR-IV/25.06.2021 : 3P/7C