



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9474 of 2021

Mariya Thomas Fernandos alias Raj ... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Kabisthalam Police Station,
Kabithalam, Babanasam Taluk,
Tanjore District.
(In Crime No.185/2021).

... Respondent/Complainant

For Petitioner : Mr.Sundar.R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate(Crl Side)

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

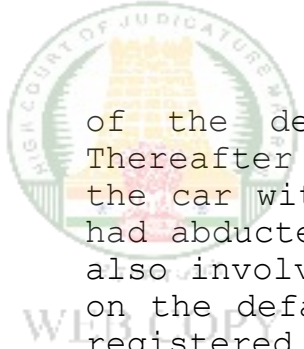
PRAYER :-

For Bail in Crime No.185 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 25.05.2021 for the offences punishable under Sections 147, 279, 294(b), 307, 364, 120(B) of IPC @ 147, 294(b), 279, 364, 120(B), 302 and 201 of IPC in Crime No.185 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity between the defacto complainant family and the first accused in connection with the defacto complainant's father Balan attacking Chandrakasan. Criminal case has been registered and the same is pending. Taking this issue as motive on 23.05.2021 at about 11.45 hrs when the defacto complainant's father was coming in his two wheeler bearing Reg. No. TN 68 L 1706 near Amman nagar the accused Viji @ Rajadurai had driven his red colour ford ikon car in a rash manner with an intention to murder the father of the defacto complainant and dashed against the two wheeler driven by the father



of the defacto complainant. As a result, he was thrown out. Thereafter Rajadurai, Vinoth, Mariya Thomas Fernandas got out of the car with wooden log and started attacking her father. Then they had abducted his father in the same car and the other accused was also involved in abduction. A1 and A2 had committed physical assault on the defacto complainant's father, therefore this case came to be registered.

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 also submit that A4 was granted bail by this Court in CrI.O.P(MD) No. 8561 of 2021 dated 30.06.2021. He would further submit that the petitioner is in judicial custody from 25.05.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that no specific overt act has been attributed against the petitioner.

5. Taking note of the fact and circumstances of the case and also the fact that no specific overt act has been attributed against the petitioner and also the fact that the co-accused in this case was granted bail by this Court and the fact that the petitioner is in judicial custody from 25.05.2021, this Court is inclined to grant bail to the petitioner

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 learned Judicial Magistrate, Babanasam 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.

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Sd/-
16/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, BABANASAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION, KABITHALAM,
BABANASAM TALUK, TANJORE DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.9474 of 2021
Date : 16/07/2021

VB/AKM/SAR.II/16.07.2021/3P/6C