



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9756 of 2021

Kanagaraj

... Petitioner/Accused

Vs

The State represented by its
Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No.392/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
Advocate.

For Respondent : Mr.Antony S.Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.392/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is the accused in this case. He was arrested and remanded to Judicial Custody on 05.07.2021 for the offences punishable under sections 294(b), 324 and 506(ii) of IPC @ 294(b), 307 and 506(ii) of IPC in Crime No.392 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that due to previous enmity, the petitioner attacked the husband of the defacto complainant. Hence, the complaint.



4.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and the FIR itself discloses that the defacto complainant did not see the alleged occurrence. Hence, the learned counsel prays for bail to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured had been discharged from the hospital.

6.Taking note of the facts and circumstances of this case that the injured had been discharged from the hospital, I am inclined to enlarge the petitioner on bail with certain conditions.

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-I, Kuzhithurai and on further conditions 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 10.00 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]**.

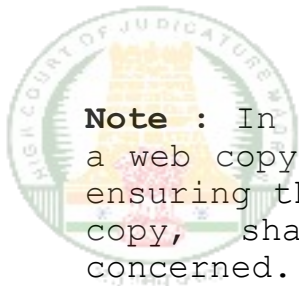
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/07/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE-I,
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGERCOIL.
4. INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.SIVAKUMAR, Advocate SR.No.4756

ORDER

IN

CRL OP(MD) No.9756 of 2021

Date :22/07/2021

MM

SS/JC/SAR-I/22.07.2021 : 3P/7C