



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17211 of 2021

S.RAMESH

... PETITIONER/ACCUSED NO.13

VS

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 76 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.MOHAMED HASHIM A,
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAISAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Bail in Crime No.76 of 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 Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner/accused No.13, who was arrested on 29.09.2021 for the offences punishable under Sections 147, 148, 294 (b), 307, 323, 324 and 506(ii) IPC, in Crime No.76 of 2021, on the file of the respondent police seeks bail.

3.The case of the prosecution is that the friend of the petitioner one Ajith was arrested by the respondent police regarding the sale of ganja and the petitioner and other accused presumed as if the defacto complainant is the informant to the police. Due to that motive, on 21.08.2021, the accused persons joined together and assaulted the defacto complainant by using deadly weapons with an intention to commit murder.



4. The petitioner already moved CrI.O.P(MD) No.15932 of 2021 seeking bail. This Court, by order dated 22.10.2021 dismissed the said application, based on submission of the Additional Public Prosecutor to the effect that the investigation is yet to be completed and totally 15 accused persons in the case and they assaulted the defacto complainant in a rude manner.

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5. It is brought to the notice of this Court that the accused No.5 in this case has been granted bail by this Court in CrI.O.P(MD) No.15019 of 2021.

6.The learned Government Advocate appearing for the respondent would submit that the investigation is almost completed.

7.Considering the change of circumstances in the case, this Court is inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel, and on further conditions that:

[a]the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge 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 a.m., until further orders.

[c] the petitioner shall not abscond during the trial;

[d] the petitioner shall not tamper with the evidence or witness during 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/-

11/11/2021

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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

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

ORDER
IN
CRL OP(MD) No.17211 of 2021
Date :11/11/2021

MGJ/JC/SAR-2 (11.11.2021) 3P 6C