



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 01/09/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.15421 of 2022

WEB COPY

Spurgen Samuel

... Petitioner/Accused No.1

Vs.

The State rep. By
The Inspector of Police,
Asaripallam Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.219 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Criminal side)
For Intervenor : Mr.B.Michael Sebastin, Advocate

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

PRAYER :- For Bail in Crime No.219 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested, on 20/10/2021 and remanded to judicial custody for the alleged offences punishable under sections 452, 364, 294(b), 323, 307, 379 and 506(2) IPC, in Crime No.219 of 2021 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that due to previous enmity, on 20/09/2021 at about 3.00 pm, the accused person, who is the petitioner herein criminally trespassed into the house along with his henchmen and criminally intimidated and he was forced to ride his bike along with pillion rider of his henchmen. The petitioner was following the above said bike in a four wheeler. At the place of river bank of Thammathukonam, the de-facto complainant was forcibly stopped by the petitioner and his gold child and mobile phone were snatched from him. Because of the above said occurrence, the de-facto complainant narrowly escaped from the assault. On the basis of the above said complaint given by the de-facto complainant, the case was registered and in the above said occurrence, he was assaulted with aruval and caused injury on the forehead. He was also assaulted



with hands and he escaped from the above said murder attempt with the help of the neighbours. He also went to the police station and lodged a complaint. In the hospital, he was given treatment by making four stitches on his body. On the basis of the above said occurrence, the petitioner was arrested and remanded to custody and ever-since, he is in custody.

3.Now seeking bail, this petition came to be filed stating that the petitioner borrowed Rs.10,00,000/- from the de-facto complainant and at that time, he handed over some documents. Later, that was repaid to the de-facto complainant. On 20/09/2021, he went to collect the above said documents. At that time, they demanded exorbitant amount. In the meantime, he was also implicated in this case, on the basis of the detention order was passed, on 31/10/2021. So he filed HCP(MD)No.1932 of 2021. That petition was allowed, by order dated 18/07/2022. Later, he moved bail application before the Principal Sessions Judge, Nagercoil, in Crl.MP No.4468 of 2022 and the Bar Association of Boothapadny passed a resolutions directing the members not to appear on behalf of the petitioner in the case. Before that, the de-facto complainant filed an application for cancellation of bail and that was allowed by the Judicial Magistrate No.1, Nagercoil in Crl.MP No.315 of 2022 in respect of Crime No.219 of 2021. That was allowed and revision was filed in Crl.RC No.4090 of 2021 and that was dismissed on 11/08/2022 with liberty to file regular bail application. Because of the development in the Boothapandy Bar Association, the bail application that was moved before the concerned court was not pressed on 23/08/2022 and subsequent to that only this petitioner came to be filed.

4.Heard both sides. The intervenor would submit that if the petitioner is released on bail, there is every likelihood of threat to his life. The fear of life has been expressed by the intervenor.

5.The learned Additional Public Prosecutor would submit that the petitioner is not having good conduct and he is involved in several previous cases. Only because of that, the detention order was imposed and though it was quashed, on the ground of delay in considering the representation. The antecedent of the petitioner must be taken into account for considering this petition.

6.The first respondent police officer is also present before this court and according to her information, this petitioner is involved in several cases and he has also causing trouble to several people. The petitioner was already granted bail in Crl.MP No.1475 of 2022 on 25/02/2021. But within the time, he did not produce the scurries. In the meantime, the de-facto complainant moved an application for cancellation of bail. That was also allowed. Now considering the period of incarceration only the petitioner is released on bail and he must file a affidavit of undertaking stating that he will not indulge in such activities in future and he must



Magistrate No.1, Tirunelveli, until further orders.

7. With the above said condition and undertaking, this court is inclined to **grant bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on her 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 **No.1, Nagercoil and on further condition that the petitioner shall stay and report before the Judicial Magistrate No.1, Tirunelveli** daily at 10.30 am until further orders.

sd/-

01/09/2022

/ TRUE COPY /

02/09/2022

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

To

- 1 THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE JUDICIAL MAGISTRATE NO.1, NAGERCOIL.
 - 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 5 THE INSPECTOR OF POLICE, ASARIPALLAM POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
 - 6 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9437[I] dated 01/09/2022)

ORDER

IN

CRL OP(MD) No.15421 of 2022

Date : 01/09/2022

er

RS/PN/SAR.4 (02.09.2022) 3P-9C