



CRL OP(MD). No.15350 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15350 of 2023

Sahaya Jenifer,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District,
Crime No.65/2023.

... Respondent/Complainant

For Petitioner : M/s.PANDIYARAJ.S,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

For Intervenor : Mr.N.PRAGALATHAN,
Advocate.

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

PRAYER :- For Bail in Crime No.65 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Sole Accused herein, who was arrested on 14.07.2023 for the alleged offence under Sections 294(b), 324, 307 and 506(ii) of IPC, in Crime No.65 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that because of the illegal intimacy between the petitioner and the defacto complainant's wife, according to the learned Additional Public Prosecutor, trouble has arisen. On the date of occurrence, this petitioner assaulted the defacto complainant with Aruval and caused injury. The defacto complainant sustained injuries and admitted in the hospital. Hence, the case.

3.The learned counsel for the defacto complainant would submit that suppressing the dismissal of the bail application before this Court, the petitioner had moved before the learned Principal District Judge, Theni. Subsequently, it was dismissed as withdrawn on 09.08.2023. It appears that only after the above said withdrawal, this petition has been filed.

4.The learned Additional Public Prosecutor would submit that the petitioner is having the earlier application was considered on the bad antecedents of the petitioner and dismissed on 02.08.2023. The defacto complainant sustained head injury.

5.Now the learned counsel for the petitioner would submit that out of the previous cases, one case is for accident case, for which, the petitioner appeared before the trial Court, admitted the offence and paid the fine amount. Regarding the NDPS Case, if is not commercial quantity and is now pending. The petitioner is in custody for more than a month.

6.Considering the period of incarceration, even though objection has been



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raised by the learned counsel for the defacto complainant as well as the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner with conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.I, Nagercoil, Kanniyakumari District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
23/08/2023

/ TRUE COPY /

23/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.



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4 THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.YESU SUBANANTH, Advocate (SR-12657[I] dated 23/08/2023)

ORDER IN
CRL OP(MD) No.15350 of 2023
Date :23/08/2023

SA/SAR. /23.08.2023/4P/7C
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