



CRL OP(MD). No.750 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.750 of 2024

1 Ajin
2 Jony

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.473 of 2023.

... Respondent/Complainant

For Petitioners : M/s.A.S.Krishnan, Advocate.

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

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

PRAYER :-

For Bail in Crime No.473 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A1 and A2, who were arrested and remanded to judicial custody on 06.11.2023 for the offence punishable under Sections 452, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.473 of 2023 on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that on 05.11.2023, at about 04.00 p.m, the accused persons trespassed into the house of the defacto complainant and abused him in filthy language and attempted to kill him by assaulting him with deadly weapons namely, knife & Aruval and caused grievous injuries to him. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that this is the second bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.21614 of 2023 was dismissed by this Court on 11.12.2023 on the ground that the petitioners damaged the glass of the door and windows of the defacto complainant's house and due to which, the wife of the defacto complainant lodged a complaint against the petitioner. However, the injured was discharged from the hospital and the petitioners are in judicial custody from 06.11.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are History Sheeted and they are having 3 previous cases. Apart from that the injured/defacto complainant was admitted in the hospital on 05.11.2023 and discharged on 20.11.2023. More than 15 days, he was in hospital. Hence, he vehemently, opposed to grant bail to the petitioners.



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5. At this juncture, the learned counsel for the petitioners would submit that the previous cases are not in heinous nature. They are only 506(i), 294(b) and 323 of IPC offence cases.

6. Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and the previous cases pending against the petitioners are not in heinous nature, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Thuckalay, Kanyakumari District, 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 petitioners are directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2024

/ TRUE COPY /

22/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

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

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

3 THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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



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+1 CC to M/s.A.S.KRISHNAN, Advocate (SR-888[I] dated 22/01/2024)

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ORDER
IN

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Date :22/01/2024

RS//SAR-(22.01.2024) 5P 7C

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