



CRL OP(MD)No.2704 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.2704 of 2024

Krishnan

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.
(Crime No.282 of 2018)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, 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.282 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on

09.12.2023 for the alleged offence punishable under Sections 294(b), 307, 506(ii), 324

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.2704 of 2024

and 427 IPC in Crime No.282 of 2018, on the file of the respondent Police, seeks bail.

WEB COPY

2.The case of the prosecution is that due to some dispute, the petitioner and other accused attacked the defacto complainant with aruval and they have also damaged the two wheeler of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that due to the death of the petitioner's father, he was unable to appear before the trial Court and thereby, NBW came to be issued, pursuant to which, the petitioner was arrested. He would further submit that the petitioner is ready to appear before the trial Court till the disposal of the criminal case.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having 6 previous case and he is a history sheeter. He would further submit that the petitioner was absent before the trial Court and hence, the trial Court issued NBW, pursuant to which, the petitioner was arrested. If the bail is granted to the petitioner, she will again absent before the trial Court and hence, he strongly opposed to grant bail to the petitioner.



CRL OP(MD)No.2704 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 Assistant Sessions Court, Eraniel, Kanniyakumari 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 petitioner is directed to appear before the trial Court for each and every hearing dates till the disposal of the criminal case;

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

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



CRL OP(MD)No.2704 of 2024

WEB COPY

(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]; and;

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

sd/-
21/02/2024

/ TRUE COPY /

21/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.The Assistant Sessions Judge,
Eraniel, Kanniyakumari District.
- 2.The Officer Incharge,
District Jail,
Nagercoil, Kanniyakumari District.



CRL OP(MD)No.2704 of 2024

3.The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2160[I] dated 21/02/2024)

ORDER
IN
CRL OP(MD) No.2704 of 2024
Date :21/02/2024

SSA//SAR-(21.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023