



Crl.R.C.(MD) No.265 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.265 of 2024

Jemin

...Petitioner/Petitioner/Accused No.2

Vs.

State rep. by

The Inspector of Police,

Anjugramam Police Station,

Nagercoil Police Station,

Nagercoil,

Kanyakumar District.

In Crime No.385/2009

...Respondent/Respondent/

Complainant

PRAYER : Criminal Revision Case has been filed under Section 397

r/w 401 of Criminal Procedure Code, to call for the records and set



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aside the order dated 19.01.2024 made in Crl.M.P.No.351 of 2024 in C.A.No.12 of 2024 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and enlarge the petitioner on bail.

For Petitioner : Mr.C.Muthu Saravanan

For Respondent : Mr.R.Sivakumar

Government Advocate (Crl. side)

ORDER

This Criminal Revision Case has been filed against the impugned order dated 19.01.2024 in Crl.M.P.No.351 of 2024 in C.A.No.12 of 2024 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

2. Learned counsel for the petitioner submits that the victim in this case is the husband of A8. There was a quarrel between them and hence, A8 was living with her mother during the occurrence time. On 20.12.2009, at about 08.30 p.m., the victim along with his sister



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went to her uncle's house to call her back to his home and at that time, A8 opened the door and abused the victim and refused to go with him. Thereafter, at the instigation of A7, it was alleged that A1 to A6 have attacked the victim and caused injuries and fled away from the scene of occurrence. The victim was admitted in the hospital by P.W.1 with the help of her husband. Based on a complaint from P.W.1, FIR was registered in Crime No.385 of 2009 on the file of the respondent police and the same was taken on file in S.C.No.76 of 2014 on the file of the learned Principal Assistant Sessions Judge, Nagercoil. He further submits that originally, the trial Court had framed charges against the petitioner for the alleged offences punishable under Sections 120(b), 147, 148, 294(b) and 307 IPC but subsequently altered into the offences punishable under Sections 120(b) r/w. 307, 147, 294(b), 307 r/w. 109 r/w. 149 of IPC. The petitioner was convicted and sentenced to undergo one month simple imprisonment for the offence under Section 148 IPC, to undergo 7 years simple imprisonment and to pay a fine of Rs.1,000/- with 3 months simple imprisonment in case of default for the offence under Section 307 IPC



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and to undergo 7 years simple imprisonment and to pay a fine of Rs.1,000/- with 3 months simple imprisonment in case of default for the offence under Section 120(b) r/w.307 IPC.

3. Learned counsel for the petitioner submitted that the victim/injured is a notorious in that locality and the occurrence had happened in the forest area. The victim assaulted and threatened so many people in that locality. There is a possibility of some other persons having attacked the deceased. There was no specific overt act against the petitioner. It is pertinent to note that the petitioner is not associated with the other accused, who were involved in the murder case and that enlarging the petitioner on bail would not affect the safety of the witnesses since he is neither accused nor a witness in that murder case. However, the Court below has failed to consider all these aspects. The petitioner is having every chance to convince this Court in the appeal and prayed to grant bail to the petitioner. He also submitted that sentence of co-accused has been granted suspension by this Court.



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4. Per contra, learned Government Advocate appearing for the respondent police submitted that if the petitioner is enlarged on bail, there is a possibility for tampering and influencing the witnesses by the petitioner and hence, he objected for grant of suspension of sentence to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate.

6. Considering the circumstances of the case and also taking note of the fact that the petitioner has been incarcerated from 04.01.2024, this Court is inclined to grant bail to the petitioner on the following terms:-

i) The petitioner shall execute 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 Principal Sessions Judge, Kanyakumari District at



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Nagercoil;

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ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) The petitioner shall appear and sign before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, on the first working day of every English calender month at 10.30 a.m., until further orders;

iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day; and

v) The petitioner shall furnish his residential



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address and mobile number to the Trial Court i.e., learned
Principal Sessions Judge, Kanyakumari District at
Nagercoil.

7. With the above directions, this Criminal Revision Case is
disposed of.

11.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
RM

To

1. The Principal Sessions Court,
Kanyakumari District at Nagercoil.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Superintendent,
Central Prison,
Palayamkottai.



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VIVEK KUMAR SINGH, J.

RM

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