



CRL OP(MD). No.4376 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4376 of 2024

Allwin

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
In Crime No.301 of 2014.

... Respondent/Complainant

For Petitioner : Mr.X.SUMALATHA,
Advocate.

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

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

PRAYER :- To enlarge the petitioner on bail in S.C.No.287 of 2022 pending on the file of the learned Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari at Nagercoil in Crime No.301 of 2014.

ORDER : The Court made the following order :-

The petitioner /accused No.3, who was arrested and remanded to judicial custody on 30.03.2023 on execution of PT Warrant issued by the concerned trial Court for the offences punishable under Sections 294(b), 302, 120B, 506(ii) of IPC in S.C.No.287 of 2022, seeks bail.



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2.The case of the prosecution is that on 11.08.2014 at about 11.00 p.m., the deceased was called through phone by the first accused to Pallivilai. When the deceased reached the spot, the accused No.1 to 3 assaulted the deceased, caused injuries and subsequently, he died. Hence, the present case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Already the petitioner was arrested in the said crime number and enlarged on bail. In the mean time, the petitioner was surrendered before the learned Judicial Magistrate, Arakkonam, in connection with another case pending against him and remanded to judicial custody on 15.02.2023. After knowing the said fact, the petitioner was produced before the concerned trial Court on execution of the PT warrant and he was remanded to judicial custody on 30.03.2023. Further, NBW was also issued against the petitioner on 23.04.2019 for his non appearance. Further, an earlier bail application filed by this petitioner was dismissed by the concerned trial Court in Crl.M.P(MD) No.642 of 2024, dated 03.02.2024. He would further submit that the petitioner is in judicial custody for more than one year. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, four previous caes are pending against the



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petitioner, among which, two cases are registered under Section 302 of IPC and two cases are registered under Section 307 of IPC. Further, there is a specific allegation against the petitioner that he and other accused person attacked the deceased with aruval, thereby, the deceased lost his life. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.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.

7.Accordingly, this Criminal Original Petition is ordered and 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 learned Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari at Nagercoil, 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 concerned trial



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Court daily at 10.30 a.m., until further orders, except on the date of hearing in other 302 IPC cases, which are pending against him;

(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;

(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/-
20/03/2024

/ TRUE COPY /

20/03/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK COURT),
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

COPY TO:

THE JUDICIAL MAGISTRATE,
ARAKKONAM.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-3410[I] dated
20/03/2024)

ORDER

IN

CRL OP(MD) No.4376 of 2024

Date :20/03/2024

SA/SAR. /20.03.2024/5P/7C

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