



CRL OP(MD).No.5458 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Arjun

... Petitioner/1st Accused

Versus

The State through
The Inspector of Police,
Kottar Police Station,
kannyakumari District.

... Respondent/Complainant

For Petitioner : Mr.J.Senthil Kumaraiah, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.309 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime



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No.309 of 2023 for the offence under Sections 341, 294(b), 307 and 506(ii) IPC and remanded him into judicial custody on 27.10.2023. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with another accused intercepted the defacto complainant's son, attacked him with a knife and stone, abused him in filthy language and also made life threat. Hence, the case.

3. The learned Additional Public Prosecutor appearing for the respondent submits that apart from this case, a case in Crime No.12 of 2020 was registered as against the petitioner under POCSO Act on the allegation that the petitioner has misbehaved with the daughter of the defacto complainant, who was aged about 16 years old, in the year 2020.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, this case has been foisted against the petitioner and he is languishing in jail from 27.10.2023. He further submits that after the incident, the



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petitioner is not residing in that village and his entire family has shifted to some other place and he also undertakes that he will not indulge in any other offence in future and he will not interfere with the defacto complainant and her family members. The petitioner has also filed an affidavit to that effect. Hence, he prays for grant of bail to the petitioner.

5. Considering the nature of offence, the period of incarceration and also considering the undertaking affidavit filed by the petitioner that he will not interfere with the defacto complainant and her family members and he will not indulge in any other offence in future, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii) The petitioner shall appear before the respondent police daily at 10.30 a.m.



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for a period of one week and thereafter, as and when required for interrogation. He has to co-operate for the investigation.

iv) The petitioner shall file an undertaking affidavit before the respondent Police that he will not indulge in any other offence in future and he will not visit the occurrence village in future.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
23/04/2024

/ TRUE COPY /

23 /04/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-4708[I] dated 23/04/2024)

ORDER
IN
CRL OP(MD) No.5458 of 2024
Date :23/04/2024

PKP/23.04.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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