



CRL OP(MD). No.7505 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

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Thangajose @ Jose

... Petitioner/ Accused 4

Vs

State Rep. by
The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
(In Crime No.145 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran, Advocate

For Respondent : Mr.S.Ravi

Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No. 145 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing a charge in S.C.No.61 of 2024 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, for the offence under Sections 341, 342, 294(b), 302 and 506(ii) IPC. When the case was posted for hearing on 13.12.2023, the petitioner has failed to appear before the trial Court and

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therefore, a Non-Bailable Warrant was issued against the petitioner, based on which, the petitioner was arrested by the respondent Police on 02.02.2024. Therefore, the petitioner has filed this petition seeking bail.

2.The learned counsel appearing for the petitioner submits that the petitioner met with an accident on 08.12.2023, for which, he was taking treatment, therefore, he could not appear before the trial Court on 13.12.2023. He further submits that the petitioner is in no way connected with the alleged occurrence, however, he has been implicated in this case.

3.The learned Additional Public Prosecutor appearing for the respondent Police opposes for grant of bail on the ground that the petitioner is also involved in eight cases, out of which, two cases are relating to the offence under Section 302 IPC and three cases are relating to the offence under Section 307 IPC.

4. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner.

5. 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 Judicial Magistrate, Boothapandi, Kanyakumari District and on further conditions that :-

a) the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

- b) the petitioner shall report before the trial Court daily at 10.30 a.m, until further orders.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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 is 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].



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f) If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
24/05/2024

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24/05/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

1 THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT.

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

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

5 THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-5775[I] dated
24/05/2024)



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ORDER
IN
CRL OP(MD) No.7505 of 2024
Date :24/05/2024

SA/SAR. /24.05.2024/5P/8C

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