



CRL OP(MD). No.10561 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10561 of 2024

V.Michael Jebin @ Jebin

... Petitioner/ Accused No.1

Vs

The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Cr.No.228/2024.

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 228/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on



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13.06.2024 for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.228 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is running a TASMAL bar. On 13.06.2024, at about 07.30 p.m, the petitioner and the other accused have made sound in the shop. When the same was questioned by the defacto complainant, they abused him in filthy language and attacked him with beer bottles and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and the co-accused was already released on bail. Further, the petitioner is in judicial custody from 13.06.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and the petitioner is having 6 previous cases including one 302 & 307 IPC cases. Hence, he strongly opposed to grant bail. But,



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however, he fairly conceded that the injured was discharged from the hospital and the co-accused was already released on bail.

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5.Considering the period of incarceration and also considering the facts that the injured was discharged from the hospital and the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate Court No.2, Nagercoil.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;



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(iii)the petitioner shall not tamper with evidence or witness;
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iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
16/07/2024

/ TRUE COPY /

16/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.2 NAGERCOIL.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL..

4 THE SUB INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-8037[I] dated 16/07/2024)

ORDER

IN

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Date :16/07/2024

SS/SAR- /16/07/2024/5P/7C

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