



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.11255 of 2024

Sutharson

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nesamany Nagar Station,
Kanyakumari District,
Crime No.52/2024.

... Respondent/Complainant

For Petitioner : B.Micheal Sebastin,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.52/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.04.2024 for the offences punishable under Sections 341, 294(b), 326A and 307



of IPC, in crime No.52 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to enmity, the petitioner abused the defacto complainant in filthy language and threw acid on his face and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocents and he has not committed any offence as mentioned in the FIR. He would further submit that the injured was discharged from the hospital and the petitioner is in judicial custody from 18.04.2024. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that charge sheet was filed before the concerned Court and the same is yet to be taken on file. But, however, he fairly conceded that the injured was discharged from the hospital.

5.Considering the period of incarceration and also considering the facts that the injured was discharged from the hospital and the charge sheet was filed before the concerned Court, 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 No.2, Nagercoil, Kanyakumari District.



(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 learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

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].

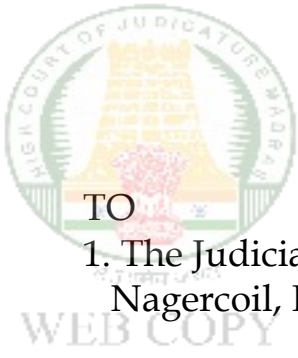
vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2024

/ TRUE COPY /

30/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



TO

1. The Judicial Magistrate No.2,
Nagercoil, Kanyakumari District..
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The officer incharge, District Jail,
Nagercoil at Kanyakumari District..
4. The Inspector of Police,
Nesamany Nagar Station, Kanyakumari District,
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-8989[I] dated 30/07/2024)

ORDER

IN

CRL OP(MD) No.11255 of 2024

Date :30/07/2024

MK/30.07.2024 4P 7C

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