



CRL OP(MD)No.11618 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.07.2024

PRESENT

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

CRL OP(MD)No.11618 of 2024

Maria Magesh

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
(Crime No.54 of 2024)

... Respondent/Complainant

For Petitioner : Mr.B.Micheal Sebastin, Advocate

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

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

PRAYER :- For Bail in Cr No.54 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.06.2024 for the offence punishable under Sections 294(b), 323, 324, 307 and 506(2)

IPC in Cr.No.54 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD)No.11618 of 2024

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2.The case of the prosecution is that the accused demanded money for purchasing liquor and the same was refused by the defacto complainant. Hence, the accused abused him in filthy language and also assaulted him. Hence, the case.

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 petitioner is in judicial custody from 17.06.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the injured person has already been discharged from the hospital and that the petitioner is having six previous cases.

5.Considering the period of incarceration and also considering the fact that the injured person has already been discharged from the hospital, 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.I, Nagercoil, Kanyakumari District.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their



CRL OP(MD)No.11618 of 2024

Aadhar card or Bank Pass Book to ensure their identity.

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[ii] The petitioner shall report before the respondent police 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 Judicial 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].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/07/2024

/ TRUE COPY /

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

GNS
TO
1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.



CRL OP(MD)No.11618 of 2024

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,
ASARIPALLAM POLICE 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-8648[I] dated 25/07/2024)

ORDER IN

CRL OP(MD) No.11618 of 2024

Date :25/07/2024

SA/SAR. /26.07.2024/4P/7C

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