



CRL OP(MD). No.21422 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Jegan @ Jeganraj,

... Petitioner/ Accused No.4

Vs

The State rep. by,
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No. 385/2015.

... Respondent/Complainant

For Petitioner : Mr.P.Muthuvel,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in P.R.C.No.3 of 2018, on the file of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in Crime No. 385 of 2015 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner / Accused No.4, who is facing trial for the offence punishable under Sections 120(b), 147, 148, 294(b), 323, 342, 324, 326 and 307 of I.P.C. in P.R.C.No.3 of 2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in Crime No.385 of 2015, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to dispute between the petitioner and the defacto complaint, the petitioner along with other accused persons attacked and abused the defacto complaint with deadly weapons. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was unable to appear before the concerned Court on 03.06.2023 and pursuant to the non bailable warrant, he was arrested and remanded to judicial custody on 27.10.2023. He would further submit that the petitioner is in judicial custody for more than sixty days and accordingly, he prayed



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for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that if bail is granted to the petitioner, the trial will not be proceed further and therefore, he strongly opposed for grant of bail to the petitioner herein. He would further submit that no previous case is pending against the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and on further conditions that:

(a) the sureties shall affix their photographs and left thumb



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

(b)the petitioner is directed to appear before the respondent Police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-

03/01/2024

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03/01/2024

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

tsg

TO

1. The Judicial Magistrate No.I,
Kuzhithurai, Kanyakumari District.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
3. The Officer Incharge, District Jail, Nagercoil.
4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.21422 of 2023
Date :03/01/2024

SSA/03.01.2024/6P/6C

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