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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). Nos.22296 and 22300 of 2023

G.S.Gigis @ Jijish

... Petitioner/ Accused No.5
in Crl.O.(MD).No.22296 of 2023

Arun

... Petitioner/ Accused No.4
in Crl.O.(MD).No.22300 of 2023

Vs

The Inspector of Police,
Thuckalay Police Station,
Nagercoil,
Kanyakumari District.
Crime No.408 of 2023..

... Respondent/Complainant
in both petitions

For Petitioners : Mr.P.T.Ramesh Raja,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor
(In Both Petitions)

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

COMMON PRAYER :-

For Bail in Crime No.408 of 2023 on the file of the Respondent Police.



COMMON ORDER : The Court made the following order :-

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The petitioners / Accused Nos.4 and 5, who were arrested and remanded to judicial custody on 03.10.2023 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 and 302 of I.P.C. in Crime No.408 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 01.01.2023 at about 08.00 P.M., the *defacto* complainant consumed liquor along with one Regin and Anish and at that time, there was a wordy quarrel arose between the petitioners in which the above said Anish sustained injuries and he was hospitalized at the Government Hospital. On 02.10.2023, at about 04.00 P.M., the *defacto* complainant and the above said Regin were consuming liquor in front of the house of the *defacto* complainant, at that time, all the accused persons came in their motor cycles and abused the informant and Regin with filthy words and brutally attacked the *defacto* complainant. The above said Regin died in the hospital and thereby, the respondent Police registered the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody for more than ninety days. Hence, he prayed for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners herein are arrayed as Accused Nos.4 and 5 and there are no previous cases pending against the petitioners.

5. Heard the learned counsel on either side.

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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/-(Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Padmanabapuram** and on further conditions that:

(a)the sureties shall affix their photographs and left thumb 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 petitioners are directed to appear before the respondent police daily at 10.30 A.M. and 05.00 P.M., until further orders;

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



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(d) the petitioners 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

/ TRUE COPY /

04/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
PADMANABAPURAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.



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4 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+2 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-66, 65[I] dated 03/01/2024)

ORDER
IN

CRL OP(MD) Nos.22296 & 22300 of 2023

Date :03/01/2024

SS/SAR- /04/01/2024/5P/8C

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