



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

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5313 of 2018

1 SANKAR ANAND

2 VIJAI KATHIRAVAN

... PETITIONERS / ACCUSED NO.1,2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, SUTHAMALLI,
TIRUNELVELI DISTRICT.
IN CR.NO. 87/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.PRAGALATHAN Advocate
For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

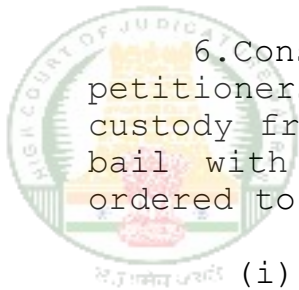
The petitioners are arrayed as Accused Nos.1 and 2. They were arrested and remanded to judicial custody on 22.02.2018. The case against them is for the offences punishable under Sections 341, 294 (b), 387 and 506(ii) IPC, in Crime No.87 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 22.02.2018, the petitioners waylaid the de-facto complainant, abused him in filthy language and tried to extort money from him and also threatened him with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offences as alleged by the prosecution and they are in judicial custody since 22.02.2018 and therefore, prays for bail in favour of the petitioners herein.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the first petitioner is having three previous cases and the second petitioner is having seven previous cases and he opposed grant of bail to the petitioners.

5.The petitioners are brothers. Both of them are having quite few cases to their credit. This Court went through the contents of the FIR. It appears that the FIR itself is a put up one.



6. Considering the nature of allegations levelled against the petitioners and also considering the fact that they are in judicial custody from 22.02.2018, this Court is inclined to enlarge them on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners shall execute 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, Cheranmahadevi, Tirunelveli District.
- (ii) The petitioners shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioners shall not abscond.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 [(2010)AIR SCW 5560].

7. The abovesaid observation made by this Court is only for the purpose of granting bail and it cannot be taken advantage of in any other proceedings.

sd/-
10/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, SUTHAMALLI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.5743

ORDER IN
CRL OP(MD) No.5313 of 2018
Date :10/04/2018