



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22395 of 2018

K.SASIKUMAR

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CR.NO.535/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.NALLAMUTHU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 02.12.2018 for the offences punishable under Sections 341,294(b),336,427,397,307 and 506(ii) of IPC in Crime No.535 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused waylaid the defacto complainant and extracted Rs.500/- from his pocket and threatened him with dire consequences/

3.The learned counsel for the petitioner would submit that the petitioner herein is A2 and both A1 and A2 are brothers and due to business rivalry a false case has been foisted against the petitioner. A2 has been granted bail by the learned Principal Sessions Judge, Thoothukudi in Cr.M.P.No.3649 of 2018 on 13.12.2018. The learned counsel for the petitioner also submitted a certified copy of affidavit filed before the Sessions Court while granting bail to the second accused. The defacto complainant has categorically stated that he has only signed in the papers given in the respondent police station.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner has got seven previous cases and he is a notorious rowdy and out of which five cases ended in acquittal and two cases are pending trial and the petitioner is already in bail in that two case and also no case is registered against the petitioner during the year 2018.

5.Considering the above facts and circumstances and also the period of incarceration and that the co- accused has been released on bail, this Court is inclined to grant bail to the petitioner.

6. 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 Judicial Magistrate No.III, Thoothukudi and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
19/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO III,
THOOTHUKUDI.
2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.NALLAMUTHU Advocate SR.No.23622

ORDER
IN
CRL OP (MD) No.22395 of 2018
Date :19/12/2018

TK/PN.AC/SAR-2/19.12.2018/3P/7C