

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12240 of 2019

JAYASANKAR @ JEYACHANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.

CRIME NO.213 OF 2019

For Petitioner : M/S.C.SANGAMIHIRAI Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 30.03.2019 for the offence under Sections 147, 341, 387 and 506 (ii) of IPC in Crime No.213 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons had threatened the de-facto complainant and had taken a sum of Rs.10,000/- at knife point. There are totally five accused persons in this case and the petitioner has been arrayed as A1.

3.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and he has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner has been arrested and remanded to the judicial custody on 30.03.2019 and he has already suffered incarceration for more than 40 days. The learned counsel further submitted that the co-accused have been granted bail/anticipatory bail.

4.The learned Additional Public Prosecutor submitted that there are three previous cases pending against this petitioner and part of the amount has been recovered by the respondent police. The learned Additional Public Prosecutor further submitted that A2 and A5 were granted anticipatory bail, and A3 and A4 were granted bail.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the co-accused have been granted bail/anticipatory bail and this petitioner has already suffered incarceration for more than 40 days, this Court is inclined to grant bail to the petitioner subject to the following condition.

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 learned Judicial Magistrate Court, Perambalur 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 petitioner shall report before the Judicial Magistrate, Perambalur, daily at 10.30 a.m. until further orders.

[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 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 Judicial 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]**.

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

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

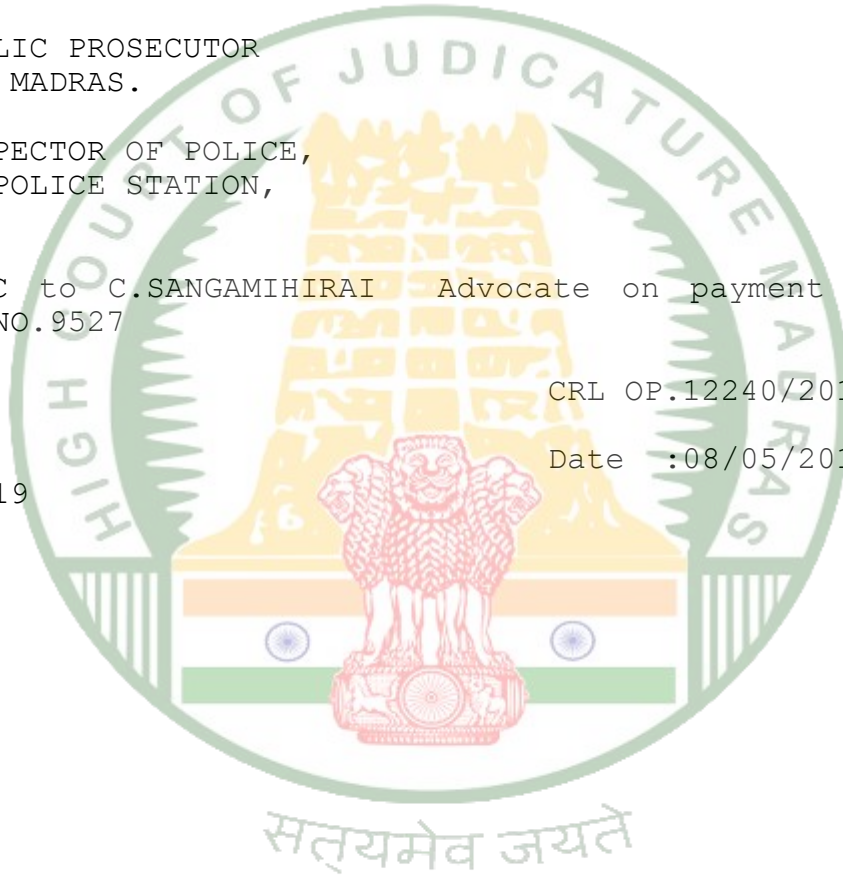
5 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.

+1CC to C.SANGAMIHIRAI Advocate on payment of necessary
charges SR NO.9527

CRL OP.12240/2019

Date :08/05/2019

MK:09/05/2019



WEB COPY