



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1876 of 2019

SAKTHIVEL

... PETITIONER / ACCUSED No.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.25/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.MAYILVAHANA RAJENDRAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 17.01.2019 for the offence under Sections 341, 342, 397 and 506(ii) I.P.C. in Cr.No.25 of 2019 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner waylaid the defacto complainant and taken a sum of Rs.850/- (Rupees Eight Hundred and Fifty only) from him, for which, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to the right his right, the petitioner is ready to deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the credit of crime number. He would further submit that out of the said amount Rs.1,000/- (Rupees One Thousand only) may be disbursed in favour of the defacto complainant.



4.The learned Additional Public Prosecutor submits that the petitioner have no previous case.

5.Considering facts and circumstances of the case and considering the period of incarceration, I am 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul and on further condition 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 deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the credit of the crime number. Thereafter, the learned Magistrate is directed to disburse the amount of Rs.1,000/- (Rupees One Thousand only) in favour of the defacto complainant within a period of two weeks without filing any formal petition;

(c) the petitioner shall report before the respondent police 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 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/-
05/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE No.III,
DINDIGUL.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1. CC to MR.C.MAYILVAHANA RAJENDRAN Advocate SR.No.2344

ORDER

IN

CRL OP (MD) No.1876 of 2019

Date :05/02/2019

AE/PN/SAR2/05.02.2019/3P/7C