



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2020

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PRESENT

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

CRL OP(MD) . No.2676 of 2020

1. Rajesh
2. Karthik

... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.41 of 2020.

... Respondent/Complainant

For Petitioners : M/s.T.Senthil Kumar,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.41 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as accused Nos.1 and 3. They were arrested and remanded to Judicial Custody on 29.01.2020 for the offences punishable under sections 363 and 109 of I.P.C., in Crime No.41 of 2020 on the file of the respondent police. They seek bail.

3. The petitioners moved the learned trial Magistrate seeking bail. But the same suffered a dismissal. They subsequently moved the learned Principal Sessions Judge. They also suffered dismissal.

4. The petitioners' counsel would point out that the offence under Section 363 of I.P.C. is a bailable offence.



5. I am therefore little surprised as to how the petition filed by the petitioners suffered dismissals before the Courts below. I went through the averments made in the First Information Report. It is seen that the complaint itself was lodged only by the so-called victim.

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6. In view of the above, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) 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 No.I, Karur.

(ii) the petitioners are directed to appear before the respondent police as and when required for the interrogation.

(iii) 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 [(2005)AIR SCW 5560].

sd/-
13/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-3067[I] dated 13/02/2020

ORDER
IN
CRL OP(MD) No.2676 of 2020
Date :13/02/2020