



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

Date : 09/03/2020

PRESENT

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

CRL OP(MD) . No.4327 of 2020

SOLAIRAJA

... PETITIONER/1st ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION,
MADURAI DISTRICT,
CRIME NO.10 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Poornachandran,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervener : Mr.D.Sadiq Raja, Advocate

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

PRAYER :-

For Bail in Crime No.10 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel for the intervener and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 06.01.2020 for the offences under Sections 120 B, 170, 454, 395 and 506(ii) of IPC, in Crime No.10 of 2020 on the file of the respondent police. He seeks bail.

3. The petitioner had engineered the abduction and robbery of his father's property. It appears that the petitioner's father Gunasekaran is a twin married person. The petitioner is born

<https://hcservices.com/tel/hcservices>



4. The learned Government Advocate states that out of 170 sovereigns, 140 sovereigns of gold have been recovered.

5. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose.

6. The petitioner states that he is the only person taking care of his mother who is the first wife of the defacto complainant. He would further claim that the petitioner's father was arrested for illegal possession of weapon and after bail was granted by this Court, he is threatening his mother.

7. Taking note of all these aspects, I am inclined to grant relief to the petitioner. However, the petitioner has to be put on terms. The petitioner through his counsel gives an undertaking that the petitioner will not keep any touch with his father or do anything illegal. If the petitioner has any claim against his father, it is always open to file a civil suit for the same. It appears that a civil suit has already been filed. It is for the petitioner to pursue the same. If this undertaking is breached, this Court will not hesitate to cancel the bail now granted and commit him to custody.

8. Subject to this condition, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner 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 IV, Madurai.

(ii) the petitioner is 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 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].

sd/-
09/03/2020

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.POORACHANDRAN, Advocate (SR-4969[I] dated 09/03/2020
)

ORDER

IN

CRL OP(MD) No.4327 of 2020

Date :09/03/2020

PNN

JM/PN/SAR 2/09.03.2020/3P/7C