



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.5830 of 2020

Sam @ Kumar

... Petitioner/Accused- 1

Vs

The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No.127 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Marimuthu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner on bail pending investigation in Cr.No.127 of 2020 on the file of Inspector of Police, Thoothukudi South Police Station, Thoothukudi.

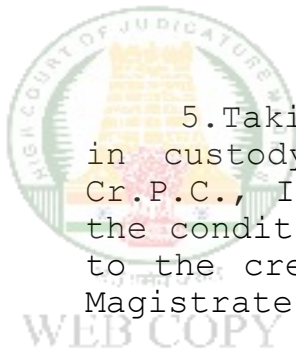
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 19.03.2020 for the offences punishable under sections 41(2) and 102 of Cr.P.C., altered into Sections 102, 41(2) of Cr.P.C., and Sections 457(2), 380(2), 414 of I.P.C., in Crime No.127 of 2020 on the file of the respondent police. He seeks bail.

3.The learned counsel for the petitioner submitted that he is in custody for more than 90 days.

4.The learned Additional Public Prosecutor submitted that as against A2 there is one previous case is pending. Charge sheet is



5.Taking into consideration of the fact that the petitioner is in custody for more than 90 days invoking provision 167(2) of Cr.P.C., I am inclined to enlarge the petitioner on bail subject to the condition that the petitioner shall deposit a sum of Rs.50,000/- to the credit of crime No.127 of 2020 before the learned Judicial Magistrate No.1, Thoothukudi.

(a)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.V, Tiruchirappalli;

(b)The petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) to the credit of crime No.127 of 2020 before the learned Judicial Magistrate No.1, Thoothukudi;

(c)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;

(d)The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation;

(e)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)The petitioner shall not abscond either during investigation or trial;

(g)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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE JUDICIAL MAGISTRATE NO.V, TIRUCHIRAPPALLI.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
5. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.
6. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5830 of 2020
Date :24/06/2020

MS/RSK/SAR-2/24.06.2020/3P.8C