



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/06/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.5851 of 2020

Prabhakaran, ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam, Thoothukudi District.
(Crime.No. 38 of 2020).

... Respondent/Complainant

For Petitioner : M/s. T.Vadivelan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.M.A.Jinnah, Advocate

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

PRAYER :-

For Bail in Crime.No. 38 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard, Mr.T.Vadivelan learned counsel appearing for the petitioner and Mr.A.Robinson, learned Government Advocate(Crl. Side) appearing for the respondent and Mr.S.M.A.Jinnah, learned counsel appearing for the intervenor.

2. The petitioner is the sole accused. He was arrested and remanded to Judicial Custody on 05.03.2020 for the offences punishable under sections 294(b), 307 and 506(ii) of I.P.C., in Crime No.38 of 2020 on the file of the respondent police. He seeks bail.

3. The petitioner's counsel pointed out that the petitioner was detained as Goonda. But then, the detention was subsequently revoked by the Government itself.

4. The learned Government Advocate(Crl. Side) pointed out that the petitioner is having as many as 18 cases to his credit and that

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



the CCTV footage clearly captures the rowdy behaviour of the petitioner herein.

5. The petitioner is seen brandishing with sickle in the said footage. However, the fact remains that final report has not been filed even though 90 days have lapsed. In this case, no person has suffered any injury. Therefore, I am inclined to grant bail. But I make it clear that the petitioner will have to behave himself in future. If the petitioner misuses the liberty granted by this Court, it will be open to the intervenor to apply for cancellation of bail. I make it clear that I will not hesitate to cancel the bail that is now granted to the petitioner herein. The petitioner's counsel on instructions states that the petitioner will keep peace in future.

6. Recording the said undertaking given by the petitioner, 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 be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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, Sathankulam after the concerned Court is reopened.

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

(iii) on breach of any of the aforesaid conditions, the 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 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/-
10/06/2020

/ 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



TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THATTARMADAM, THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI .
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5851 of 2020
Date :10/06/2020

PMU
AE/PN/SAR-II (10.06.2020) 3P 6C