



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.6865 of 2020

PARTHASARATHI

... PETITIONER/ACCUSED RANK NOT KNOWN

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
BODINAYAKANUR TOWN POLICE STATION,
BODINAYAKANUR,
THENI DISTRICT.
CR.NO. 1935/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s K.Arunraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bhrathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.no.1935 of 2020 in the file of the Respondent Police

ORDER : The Court made the following order :-

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

2.The petitioner was arrested and remanded to Judicial Custody on 18.06.2020 for the offences punishable under sections 147, 448, 323, 379(NB), 364(A), 365, 387 & 506(ii) of I.P.C., and Section 4 of TNPWH Act in Crime No.1935 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the petitioner and other accused were illegally trespassed into the house of the defacto complainant and threatened him with dire consequences. Hence, a



4.The learned counsel for the petitioner would submit that the defacto complainant has received money from the petitioner and others to secure a job. However, he failed to secure the job and also failed to repay the amount. Hence, the petitioner demanded the money and a false complaint has been registered against him. The learned counsel would further submit that A6 was already released on bail by the trial Court.

5.The learned Government Advocate(Crl.side) would submit that A6 was already released on bail by the trial Court.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that A6 was already released on bail by the trial Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanur.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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]**.

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/07/2020

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAYAKANUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODINAYAKANUR TOWN POLICE STATION,
BODINAYAKANUR,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6865 of 2020
Date :07/07/2020

gns
JM/PN/SAR 3/07.07.2020/3P/6C