



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7628 of 2020

Saravanan @ Pettarai Saravanan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
North Police Station,
Dindigul Town,
Dindigul District.
Cr.No.1018 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1018 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 17.05.2020 for the alleged offences under Sections 147,294(b),323,395,506(ii), 397 of IPC.

2. The case of prosecution is that there is a dispute between the defacto complainant and another person regarding using of bike and when the same was questioned by the defacto complainant, the petitioner herein attacked him and also snatched 1 ½ gm gold chain. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he is in jail for nearly 90 days and final report has not been filed by the respondent police. Hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and five previous cases are pending against him. He would also submit that since some stolen properties are yet to be recovered from the petitioner herein, the respondent police is unable to complete the investigation and file the final report.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is jail for nearly 90 days and the final report has not been filed before the concerned Court by the respondent police, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul

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/-
17/08/2020

/ 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 No.II, DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
DINDIGUL TOWN,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7628 of 2020
Date :17/08/2020

AAV
TE/JC/SAR-III : 17/08/2020 : 3P/6C