



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10354 of 2020

Muthurajesh

... Petitioner/Accused No.5

Vs

The State Rep. by
The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
(Crime No.292 of 2020).

... Respondent/Complainant

For Petitioner : M/s.N.Ramesh Arumugam,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.292 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A5 herein were arrested and remanded to judicial custody on 02.09.2020 for the alleged offences under Sections 341,294(b),363,395,324 and 506(ii) of IPC.

2. There are totally five accused in this case and the petitioner herein is arrayed as A5. The case of the prosecution is that the defacto complainant is a business man and on the date of occurrence when he was driving a two wheeler all the accused persons waylaid him and also attacked him and stolen Rs. 5200/- from his pocket. So far as this petitioner is concerned he also present in the scene of occurrence and he also tried to attack the defacto complainant.

3. The learned counsel for the petitioner would submit that no previous case is pending against the petitioner and he has been falsely implicated in this case. He would also submit that the



petitioner is in jail for nearly 25 days, hence he may be granted bail.

4. The learned Government Advocate (Crl.Side) would submit that on the date of occurrence when the defacto complainant was driving a two wheeler all the accused persons waylaid him and also attacked him and stolen Rs. 5200/- from his pocket. He would also submit that this is the second bail petition and the first petition was dismissed by this Court on 11.09.2020. He would also submit that no previous case is pending against the petitioner and investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that investigation is almost completed 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

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.

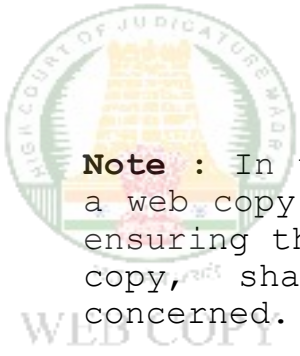
sd/-

25/09/2020

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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, TIRUCHENDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT PRISON,
PERURANI.

ORDER
IN
CRL OP(MD) No.10354 of 2020
Date :25/09/2020

AAV
TE/PN/SAR-II : 25/09/2020 : 3P/6C