



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13733 of 2020

Rajendran @ Vella Mantaiyan

... Petitioner/2nd Accused

Vs

The State Rep. by its,
The Inspector of Police,
CUMBUM NORTH Police Station
Theni District.
Crime No. 26/2020

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

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

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

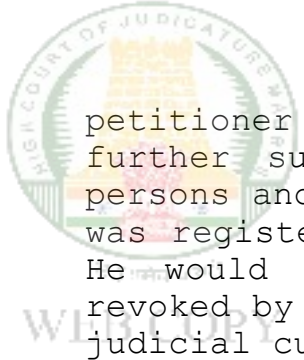
PRAYER :- For Bail in Crime No. 26 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 21.01.2020 for the alleged offence under Section 395 of IPC.

2. The case of the prosecution is that on 21.01.2020, the defacto complainant and his friends came from Kumuli to Cumbum by two-wheeler. The defacto complainant and his friends asked the accused persons to arrange liquor for them. The accused persons said to have brought the defacto complainant and his friends to the remote area and caused injuries and made life threat and also took away their mobile phones and money and the total value is Rs.90,000/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was arrayed as A-2 out of six accused persons and he has not committed any offence as alleged by the prosecution and the



petitioner was not present in the scene of occurrence. He would further submit that the petitioner is a friend of the accused persons and due to the influence of the defacto complainant, the FIR was registered as against the petitioner and other accused persons. He would further submit that, though, the detention order was revoked by this Court, the petitioner was arrested and remanded into judicial custody on 21.01.2020. Hence, he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that totally there are six accused persons and the petitioner was arrayed as A-2 and there are four previous cases pending against the petitioner and the offence is similar in nature. He would further submit that, insofar as the petitioner is concerned, the defacto complainant and his friends enquired about the wine shop in an around the locality from the accused persons. Utilising the said circumstances, the accused persons dragged them to remote area and snatched money as well as their cell phones. He would further submit that the detention order was revoked by this Court. He would also submit that the petitioner has involved four previous cases and facing trial. He would further submit that investigation has been completed and the respondent police is yet to file final report.

5. It is seen from the records that there are totally six accused persons and the petitioner was arrayed as A-2. Though, the detention order has been revoked by this Court the petitioner was arrested and remanded into judicial custody on 21.01.2020. Even, according to the case of the prosecution, the accused persons did not way laid the victim and committed offence.

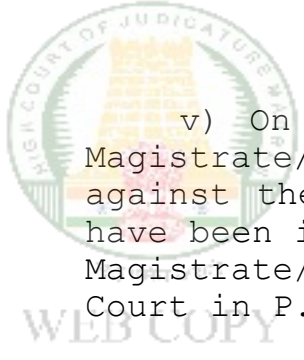
6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam.

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., for a period of Four weeks and thereafter as and when required for interrogation.

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



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/-
02/12/2020

/ 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, UTHAMAPALAYAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
 4. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 7856

ORDER
IN
CRL OP(MD) No.13733 of 2020
Date :02/12/2020