



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/12/2020

PRESENT

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

CRL OP(MD). No.14467 of 2020

Jothi ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No. 1155 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.V.Vairam Santhosh,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1155 of 2020 on the file of the
Respondent Police.

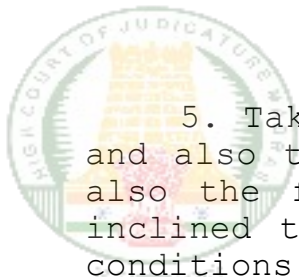
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to
judicial custody on 13.11.2020 for the offences punishable under
Sections 448, 392 r/w. 397 of IPC on the file of the respondent
police seeks bail.

2.The case of the prosecution is that on 13.11.2020 the
petitioner by showing knife extracted Rs.2000/- from the defacto
complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. He would also submit that only for statistical purpose the
present case has been registered, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that
on 13.11.2020 the petitioner by showing knife extracted Rs.2000/-
from the defacto complainant. He would also submit that 11 previous
case is pending against the petitioner and the money has been
seized from the petitioner herein.



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 the money has been recovered, 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.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one shall be blood related surety each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Kumbakonam.

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 stay at Thirumangalam and report before the Thirumangalam Town Police Station daily at 10.30 a.m and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

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/-
10/12/2020

/ 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 NO.II,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
KUMBAKONAM JAIL, KUMBAKONAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM.

ORDER

IN

CRL OP(MD) No.14467 of 2020

Date :10/12/2020

AAV

JM/AKM/SAR III/10.12.2020/3P/7C