



WEB COPY

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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14894 of 2020

Rathinapandian

... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Government Hospital Police Station,
Tiruchirappalli.
Crime No.535 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Jegadeesh Pandian,
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.535 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Sections 392 and 397 of IPC, on the file of the respondent police seeks bail.

2.The case of the prosecution is that in the year 2015, the petitioner and other accused persons said to have looted a sum of Rs.300/- from the defacto complainant. Hence, a case has been registered.

3.The learned counsel for the petitioner would submit that the occurrence was not at all happened on the date of registration of the FIR and when the petitioner was in his house, some police persons had come to his house and taken away him and foisted the false case against him.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is having three previous case in the same nature. Hence, the custodial interrogation of the petitioner is warranted.

5. 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:

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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirapalli.

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 should stay at Kanyakumari District and report before the Inspector of Police, Kottar Police Station, Nagercoil, daily at 10.30 am. and 05.30 pm., for a period of four weeks and thereafter, report 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/-
16/12/2020

/ 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,
<https://hcservices.courtsofmadras.gov.in/hcservices.html> 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.IV,
THIRUCHIRAPALLI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
TIRUCHIRAPPALLI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

ORDER

IN

CRL OP(MD) No.14894 of 2020

Date :16/12/2020

IAS

JM/VR/SAR IV/16.12.2020/3P/7C