



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

PRESENT

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

CRL OP(MD) . No.14722 of 2020

Raja

... Petitioner/Accused No.7

Vs

The State Rep. by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 467 of 2020.

... Respondent/Complainant

For Petitioner : M/s. R.Venkateswaran
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.467 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 02.12.2020 for the offences punishable under Sections 147,148,294(b), 506(ii) of IPC r/w.Section 3 of TNPPDL Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioners herein along with others unlawfully assembled together, abused him and also criminally threatened him and also damaged the defacto complainant house on the premise that their relatives daughter eloped with the defacto complainant cousin. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner herein is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 30.11.2020 and remanded only on 02.12.2020.

4. The learned Government Advocate (Crl. Side) would submit that petitioners herein along with others unlawfully assembled together, abused him and also criminally threatened him and also damaged the defacto complainant house worth about Rs.62,000/- on the premise that their relatives daughter eloped with the defacto complainant cousin

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, subject to the following conditions

[a] the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.467 of 2020 on the file of the District Munsif cum Judicial Magistrate, Kadaladi without prejudice to his defence before the trial Court

[b] On such deposit, the petitioner shall execute 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 District Munsif cum Judicial Magistrate, Kadaladi

[c] 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;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
14/12/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANTHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.

ORDER
IN
CRL OP (MD) No.14722 of 2020
Date :14/12/2020

AAV
TE/PN/SAR-III : 14/12/2020 : 3P/6C