



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

Date : 15/12/2020

PRESENT

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

CRL OP(MD).No.14746 of 2020

1.Arun
2.Maruthu
3.Muneeswaran

...Petitioners/Accused Nos.1 to 3

- Vs -

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(Crime No.2627 of 2020)

... Respondent/Complainant

For Petitioners: Mr.C.Ezhilarasu, Advocate.

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

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

PRAYER :- For a Bail in Crime No.2627 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested and remanded to judicial custody on 10.12.2020 for the alleged offence under Sections 397, 392, 506(ii) IPC.

2. The case of the prosecution is that on 09.12.2020, while the defacto complainant was returning to his house after finishing the work by his two wheeler, the petitioner waylaid him on the knife point made threatened him and due to previous motive and robbed a sum of Rs.500/-. Hence, the case has been registered

3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 to A3. In fact, the petitioners were granted anticipatory bail by this Court on 08.12.2020 in Crl.O.P(MD)No.13977 of 2020. While the order of anticipatory bail was in progress, the present case has been foisted as against the petitioners. He further submitted that when the petitioners were taken to custody in pursuant to the Crime No.2518 of 2020, the



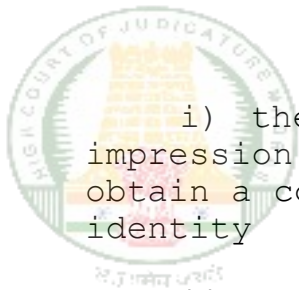
anticipatory bail in Crime No.2518 of 2020. Immediately, the respondent police foisted the present case as against the petitioners as if they robbed a sum of Rs.500/- from the brother of the defacto complainant in Cr.No.2518 of 2020. Therefore, it is nothing but a false case foisted against the petitioners and immediately they were arrested and remanded to judicial custody in pursuant to the present crime. Therefore, the petitioners are permitted to approach this Court directly for bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners are habitual offenders. In fact they involved in two cases as against the very same defacto complainant and in both the cases, they appeared for enquiry before the respondent police and both the complaints settled amicably between the parties. Even then, the petitioners committed for the offence under Sections 302 IPC and the same was registered in Cr.No.2518 of 2020. After obtaining anticipatory bail before this Court, again they involved the crime as against the brother of the defacto complainant for the offence under Sections 392 r/w 397 and 506(ii) IPC. Therefore, they were arrested and remanded to judicial custody on 10.12.2020.

5.It is seen that the petitioners are arrayed as A1 to A3 and alleged that they have robbed a sum of Rs.500/- from the defacto complainant, when the defacto complainant was returning to his home by his two wheeler. It is also pertinent to note that the petitioners were already granted anticipatory bail in Crl.O.P(MD) No.13977 of 2020, dated 08.12.2020. According to the petitioners, they were immediately taken to the police station and when the petitioners informed about that they were granted anticipatory bail by this Court, immediately the respondent police foisted a false case as against the petitioners with the above said false allegations. In this regard, this Court directed the respondent to appear before this Court and the respondent police appeared before this Court and submitted that already there was a quarrel between the petitioners and the defacto complainant's family. In this regard, the defacto complainant already lodged two complaints and both the complaints were settled amicably between the parties after giving CSR.No.189 of 2020, dated 03.03.2020 and C.S.R.No.401 of 2020, dated 11.06.2020. He further submitted that when this Court granted anticipatory bail, again these petitioners involved in the present crime.

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

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI,



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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/12/2020

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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 JUDICIAL MAGISTRATE NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, MELUR, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14746 of 2020

Date :15/12/2020