



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17395 of 2021

1. Mani @ Manikandan
2. Thirunavukkarasu ... Petitioners

Vs.

The State
Rep by Inspector of Police,
Mallasamuthiram Police Station,
Namakkal District.
(Crime No.282 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.282 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Pandiyaraj

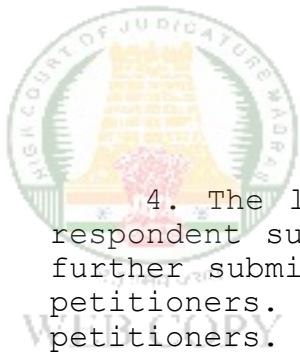
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested on 27.07.2021 and remanded to judicial custody for the offences under Sections 394 & 397 of IPC, in Crime No.282 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons have extorted Rs.5,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the extorted amount has been recovered. He further submitted that there is no previous case pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering facts and circumstances of the case and also the fact that there is no previous case pending as against the petitioners and considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Thiruchengode. and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



The respondent police is directed to return the recovered amount to the defacto complainant, after getting necessary acknowledgment.

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-sd/-
21/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MALLASAMUTHIRAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.PANDIYARAJ Advocate on payment of necessary charges SR.NO.10328

CRL OP.17395/2021

Date :21/09/2021

JPA 22/09/2021