



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.33 of 2021

Viswa @ Rathan @ Viswanathan,

... Petitioner/Accused No.3

Vs

State Represented By
The Inspector of Police,
Kalligudi Police Station,
Madurai District.
(Crime No. 1535 of 2020)

... Respondent/Complainant

For Petitioner : M/s.Prabhu.S,
Advocate.

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

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

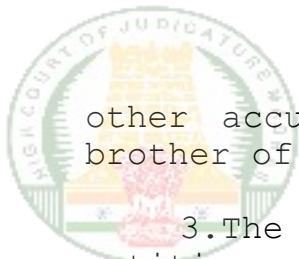
PRAYER :-

For Bail in Crime No.1535 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 17.11.2020 for the offences punishable under Sections 406,420 of IPC @ 395 and 420 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that all the assured the defacto complainant that they will obtain loan for a sum of Rs.25 Crores and for that they need Rs.25 lakh as registration fees. Believing their words the brother of the defacto complainant and the defacto complainant went in a car with the said amount and when they reached Kallikudi Burma Hotel the petitioner along with



other accused waylaid the car and robbed Rs.25 lakhs from the brother of the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that no such occurrence had taken place and the allegations are completely false. He would also submit that the Rs.11 lakhs has been recovered and the petitioner is in jail for more than 85 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally four named and eight unnamed accused in this case. The petitioner along with other accused said to have robbed a sum of Rs.25 lakhs from the brother of the defacto complainant. He would also submit that a sum of Rs.11 lakhs and a mobile phone has been recovered from the petitioner. He would also submit that no previous case is pending against the petitioner. He would also submit investigation is almost completed and the respondent police is yet to file final report.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the property has been recovered and the investigation is almost completed, 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, Thirumangalam.

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 report before the respondent police daily at 10.30 a.m until further orders.

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/-
12/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
THIRUMANGALAM,
MADURAI DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
KALLIGUDI POLICE STATION, MADURAI DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.PRABHU.S Advocate SR.No.942

ORDER
IN
CRL OP(MD) No.33 of 2021
Date :12/02/2021

NR/VR/SAR-4 (12/02/2021) 3P: 7C