



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.123 of 2021

Vinoth

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No.384/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Baskarmathuram, Advocate
for M/S.Mathuram Law Associates,

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.384/2020 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 04.12.2020 for the offences punishable under Sections 341,294(b),387,307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein waylaid the defacto complainant, demanded money from him and when the same was refused by the defacto complainant the petitioner herein attempted to murder him and also criminally intimidated him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that no one sustained injuries in the said occurrence. He would also submit that the petitioner is in jail for more than 10 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused in this case and the petitioner herein is arrayed as A2 and he is having seven previous cases. A1 was arrested and still in judicial custody. The petitioner herein waylaid the defacto complainant, demanded money from him and when the same was refused by the defacto complainant the petitioner herein attempted to murder him and also criminally intimidated him. He would also submit that no one sustained injuries in the said occurrence.

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 no one sustained injuries in the said occurrence, 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(out of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District

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 stay at Madurai and report before the Othakadai Police Station 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/-
18/01/2021

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, PERIURANI, THOOTHUKUDI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
OTHAKADAI, MADURAI.

ORDER IN
CRL OP(MD) No.123 of 2021
Date :18/01/2021

AAV
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