



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

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.440 of 2021

Saravanan @ Matta KambuSaravanan ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai.
Crime No.1199 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Gururaj,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1199 of 2020 on the file of the Respondent Police.

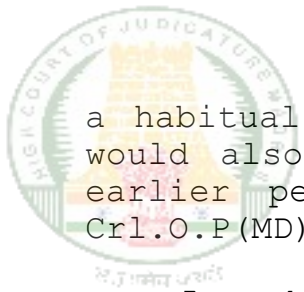
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.08.2020 for the offences punishable under Sections 294(b), 392 r/w.397 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the defacto complainant was sitting in a tea shop the petitioner herein robbed a sum of Rs.300/- at knife point. 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 the money has been recovered, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that at knife point the petitioner had robbed a sum of Rs.300/- from the defacto complainant. He would also submit that the petitioner is



a habitual offender and he is involved in other crimes also. He would also submit that this is the second bail petition and the earlier petition was dismissed by this Court on 10.11.2020 in Crl.O.P(MD) No.12790 of 2020.

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 the money has been recovered, 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 No.IV, Madurai

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, except the days when his presence is required before the other Courts.

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/-
27/01/2021

/ 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



TO

1.THE JUDICIAL MAGISTRATE No. IV, MADURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
SUBRAMANIAPURAM POLICE STATION,
MADURAI.

4.THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.440 of 2021
Date :27/01/2021

AAV

TK/PN/SAR.3/27.01.2021/3P/6C