



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.574 of 2021

1. K.Alexandar Samson
2. A.Franklin Joseph Raj ... Petitioners/Accused No.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Ponmalai Police Station,
Trichy District
Crime No.399/2020.

... Respondent/Complainant

For Petitioners : M/s.Jameel Arasu.B,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.399 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 27.11.2019 for the offences punishable under Sections 392 r/w.397 and 506(ii) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the the petitioner herein said to have extorted Rs.850/- from the defacto complainant at knife point. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also
<https://hcmvscourts.gov.in/home> this case is completed and the charge sheet has



been filed before the concerned Court in S.C.No.42 of 2020. He would also submit that the petitioners were in jail for more than three months, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner herein said to have extorted Rs.850/- from the defacto complainant at knife point. Hence he strongly opposed to grant bail to the petitioner.

5. It is seen that the charge sheet has been filed before the District Court, Trichy and thereafter is has been transferred to the Chief Judicial Magistrate Court and the same has been taken cognizance in S.C.No.42 of 2020 and so far in this only one witness has been examined. Despite several directions given to the Court below to conclude the trial no steps have been taken so far. The trial Court in its proceedings dated 24.02.2021 had observed that the case has been transferred to the Chief Judicial Magistrate Court, Trichy only one witness has been examined.

6. 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 there is delay in the progress of trial, this Court is inclined to grant bail to the petitioners 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 sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Tiruchirapalli

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 trial Court on every Monday at 10.30 a.m., and on all hearing dates without fail.

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 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/-
15/03/2021

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/ /2021

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

ORDER
IN
CRL OP(MD) No.574 of 2021
Date :15/03/2021

NR/PN/SAR-II(15.03.2021) 3P:6C