



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

Date : 19/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1408 of 2021

Mark Maickel Samraj

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.05/2021

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.05/2021 on the file of the respondent police.

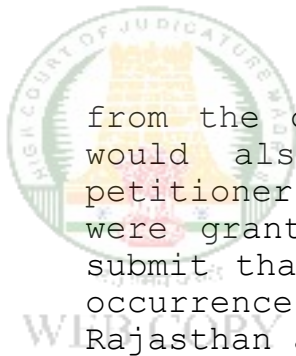
ORDER : The Court made the following order :-

The petitioner/A1 herein who were arrested and remanded to judicial custody on 04.01.2021 for the alleged offence under Section 395 of IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.01.2021 the petitioner along with other accused robbed a sum of Rs.3000/- and two mobile phones and seven blankets from the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the property has been recovered. He would also submit that the petitioner is in jail for more than 40 days, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner along with other accused robbed a sum of Rs.3000/- and two mobile phones and seven blankets



from the defacto complainant and the same has been recovered. He would also submit that two previous is pending against the petitioner. He would also submit that the co-accused in this case were granted anticipatory by the lower Court. He would further submit that the petitioners were caught red handed in the scene of occurrence and they were targeting the victim who are coming from Rajasthan as tourist

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the entire property was seized by the respondent police and also from the lower court order dated 25.01.2021 it is seen that the steps have been taken by the respondent police to detain the petitioner under Act.14 ,till now the detention order is yet to be caused against the petitioner. Inview of the inordinate delay and no proposal has been caused so far,this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the account of Mr.D.Karthikeyan (Canara bank Account No.1012101043080, Tallakulam Branch, IFSC Code No.CNRB0001012) without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance / submission of amount to the Magistrate while executing sureties.

[b] On acknowledgment of the same, the petitioner shall execute 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.II, Ramanathapuram

[c] 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;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/02/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE No.II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1408 of 2021
Date :19/02/2021

AAV
TK/PN/SAR.1/19.02.2021/3P/6C