



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

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1641 of 2021

1.Ponnampalanathan
2.Sakthikumar

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.4/2021.

... Respondent/Complainant

For Petitioners: Mr.T.A.Ebenezer,
Advocate.

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. 4/2021 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 08.01.2021 for the offences punishable under Sections 294(b), 353, 307 and 506(ii) of IPC, in Crime No.4 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant while discharging his official duty, the petitioners said to have abused the defacto complainant by using filthy language and also assaulted him with bike key and stone and criminally intimidated him. Hence, a complaint has been registered

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the allegation is only against the other accused persons and the petitioners have been falsely implicated in this case. He further submitted that the petitioners were arrested on 08.01.2021 and they are still in custody. Hence, they may be granted bail.

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioners are habitual offenders and the first petitioner is having four previous cases and the second petitioner is having two previous cases. He further submitted that now the first petitioner has been detained under Act 14, 1982.

6.Recording the submission made by the learned Government Advocate (Crl. Side) that the first petitioner has been detained under Act 14, 1982, this Criminal Original Petition is dismissed in respect of the first petitioner.

7.Insofar as the second petitioner is concerned, taking note of the above facts and circumstances of the case, further it is seen that the overt act attributed is against the first petitioner and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the second petitioner subject to the following conditions:

8.Accordingly, the second 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 Judicial Magistrate, Sattankulam.

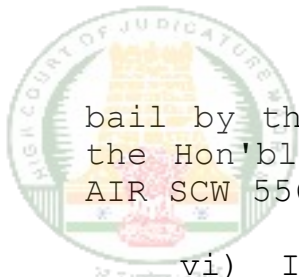
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the second petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the second petitioner shall not tamper with evidence or witness.

iv) the second 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 second petitioner in accordance with law as if the conditions had been imposed and the second 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/second petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/02/2021

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

ORDER
IN
CRL OP(MD) No.1641 of 2021
Date :05/02/2021

VSG
TK/VR/SAR.4/08.02.2021/3P/6C