



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.1609 of 2021

Prabhu @ Kuttai Kamal

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
Crime No.290/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Sukumar,
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.290/2020 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 27.11.2020 for the offences punishable under
Section 394 of IPC, in Crime No.290 of 2020 on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with
other accused persons have waylaid the defacto complainant and
threatened her with knife and robbed Rs.2,500/-, cell phone and ID
Card of the defacto complainant. Hence, a complaint has been
registered.

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

4.The learned counsel appearing for the petitioner submitted
that the petitioner has not committed any offence as alleged by the
prosecution and he has been falsely implicated in this case. He
further submitted that the petitioner was arrested on 27.11.2020 and
is in judicial custody. Hence, he seeks bail.



5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the cell phone recovered from this petitioner, which belongs to the defacto complainant.

6.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Ilayangudi.

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 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 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/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, remains the responsibility of the advocate/litigant concerned.

<https://hcservices.easitec.gov.in/hcservices>



TO

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

+1 CC to M/s.S.SUKUMAR, Advocate (SR-737[I] dated 05/02/2021)

ORDER
IN
CRL OP(MD) No.1609 of 2021
Date :05/02/2021

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MS/VR/SAR-3/05.02.2021/3P.7C