



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

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1901 of 2021

Saravanan (Reppy)

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
(In Crime No.1725/2020).

... Respondent/Complainant

For Petitioner : Mr.Jameel Arasu.B,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

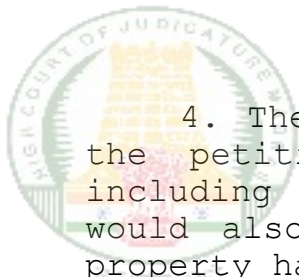
PRAYER :- For Bail in Crime No.1725/2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to
judicial custody on 17.11.2020 for the offences punishable under
Sections 294(b), 392,397 and 506(ii) of IPC on the file of the
respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein
waylaid the defacto complainant and robbed a sum of Rs.3000/- at
knife point. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner has been falsely implicated in this case and no such
occurrence has taken place and for statistical purpose the present
case has been registered by the respondent police. He would also
submit that the petitioner was detained under act.14 and
subsequently the same was set aside by the advisory board on
04.02.2021 by stating that there is no sufficient cause for the
detention of the petitioner. He would also submit that the
petitioner is in jail for more than 80 days, hence he may be granted



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a habitual offender and 10 previous cases including four murder cases are pending against the petitioner. He would also submit that this is the third bail petition and the property has been recovered.

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5. It is seen that the petitioner was arrested on 17.11.2020 and thereafter he was detained under Act.14 and the Act.14 was revoked against the petitioner. G.R.Rt.No.601 dated 04.02.2021 was produced. The Advisory Board on considering the detenue representation and materials produced found that there is no sufficient cause for detention of the petitioner, revoked the detention order. Though several cases are pending against him ,the advisory board had revoked the detention.

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 the property has been recovered, 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 No.I, Kumbakonam, Thanjavur District

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 for hearing.

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/-

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/ /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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM, THANJAVUR 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.1901 of 2021
Date :10/02/2021

AAV
JM/PN/SAR II/10.02.2021/3P/6C