



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

Date : 25/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1929 of 2021

Vanumamalai @ Vanu

... Petitioner/4th Accused

Vs

State Rep.by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
Crime No.259 of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

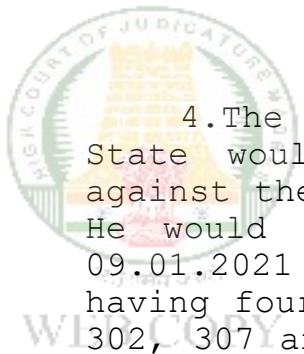
PRAYER :- For Bail in Crime No.259 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 herein who was arrested and remanded to judicial custody on 09.01.2021 for the alleged offence under Sections 294(b), 397 and 506(ii) of IPC, in Crime No.259 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 were said to have snatched away a sum of Rs.5,000/- from the defacto complainant and threatened him with dire consequences. Hence the complaint.

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 further submit that the petitioner is having four previous cases, in which, the petitioner let out on bail. He would further submit that the petitioner has been falsely implicated in this case for the purpose detaining the petitioner under Goondas Act. The defacto complainant is totally stranger and hails from far away place. He would also submit that no one sustained injury.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that there are four previous cases pending against the petitioner and he is a notorious and regular offender. He would also submit that the petitioner has been arrested on 09.01.2021 and property has been recovered. The petitioner is having four previous cases including for the offence under Sections 302, 307 and 506(ii). He would also submit that in this case A1 to A3 have already been arrested and released on bail.

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 no one sustained injury and the fact that A1 to A3 have already been arrested and released on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri.

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.

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/-
25/02/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PERAURANI, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-1474[I] dated 25/02/2021)

ORDER

IN

CRL OP(MD) No.1929 of 2021

Date :25/02/2021

VSG

MS/PN/SAR-1/25.02.2021/3P.7C