



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

Date : 03/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3073 of 2021

M.Suresh

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City,
Trichy District.
Crime No.89 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Azhageson,
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.89 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 22.01.2021 for the offences punishable under Sections 392 and 397 of IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.01.2021, the petitioner and other accused waylaid the de-facto complainant and attacked him and extorted Rs.700/- from the de-facto complainant's pocket. Hence, the complaint.

3.The learned counsel for the petitioner would submit that that the petitioner is innocent and he has no way connected with the alleged offence. He would also submit that A1 in this case was granted bail by this Court on 01.03.2021 in Crl.O.P(MD) No.3192 of 2021.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner along with others waylaid the de-facto complainant and by showing a knife, taken away the money of Rs.700/- and the properties were also recovered.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused in this case was granted bail by this Court 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:

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy 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 stay at Karur and report before the Karur Town Police Station, 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/-
03/03/2021

/ 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 No.IV,
TRICHY DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY,TRICHY DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR.

+1 CC to Mr.A.AZHAGESON, Advocate (SR-1710[I] dated 03/03/2021)

ORDER
IN
CRL OP(MD) No.3073 of 2021
Date :03/03/2021

AAV
TK/VR/SAR.1/03.03.2021/3P/8C