



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3247 of 2021

1. Omprakash
2. Simiyon

... Petitioners/Accused 1 & 3

Vs

The State rep.by,
The Inspector of Police,
Palakkrai Police Station,
Trichy District
(Crime No. 112/2021.)

... Respondent/Complainant

For Petitioners : M/s.K.Sivabalan,
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. 112/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 08.02.2021 for the offence punishable under Section 399 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of deadly weapons and preparing to commit dacoity . Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted



4. The learned Government Advocate(Crl.Side) would submit that there are five accused in this case and the petitioners herein are arrayed as A1 and A3. He would also submit that six previous cases are pending against the first petitioner and seven previous cases are pending against the second petitioner and one of the accused is still absconding. Hence he strongly opposed to grant bail to the petitioners.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioners only made an attempt to commit dacoity and there is lack of proximity between the previous case and the present case , this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tiruchirapalli

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 petitioners shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners 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/-
02/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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 NO.V,
TIRUCHIRAPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPALLI.
- 3 THE INSPECTOR OF POLICE
PALAKKRAI POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL,
TIRUCHIRAPPALLI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to Mr.K.SIVABALAN Advocate SR.No.1668

ORDER
IN
CRL OP(MD) No.3247 of 2021
Date :02/03/2021

NR/PN/SAR-IV(02.03.2021) 3P:8C