



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.3814 of 2021

WEB COPY

N.Uthayakumar

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Ilathur Police Station,
Tenkasi District.
Crime No. 49 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

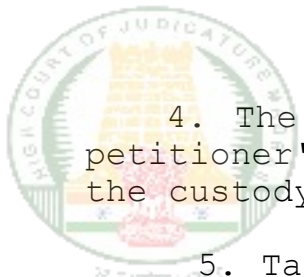
For Bail in Crime No.49 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner was arrested and remanded to Judicial Custody on 17.02.2021 for the offences punishable under sections 354(A), 307 and 506(ii) of I.P.C., Section 4 of Tamilnadu Prohibition of Harassment of Women Act and Section 25(1A) of Arms Act, in Crime No.49 of 2021, on the file of the respondent police. Hence, he seeks bail.

3. Considering the submissions and on perusal of the materials available on record, it is seen that the petitioner attempted to misbehave with the defacto complainant. The petitioner and the defacto complainant are in close relationship, which was recorded in the petitioner's mobile and laptop. The petitioner threatened the defacto complainant that if she does not submit herself to him, the photos and videos recorded will be uploaded in social media. The petitioner being an ex-service having pistol threatened the defacto complainant at gun point.



4. The learned Additional Public Prosecutor submitted that the petitioner's pistol as well as mobile phone were seized and it is in the custody of the respondent.

5. Taking note of the facts and circumstances of this case and considering the period of incarceration, I am inclined to enlarge the petitioner on bail with certain 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, Senchottai, Tenkasi District.

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/03/2021

/ TRUE COPY /

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

IAS

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



TO

1 THE JUDICIAL MAGISTRATE,
SENCOTTAI, TENKASI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ILATHUR POLICE STATION,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.J.KARTHICK, Advocate SR.No.2603

ORDER

IN

CRL OP(MD) No.3814 of 2021

Date :26/03/2021

NR/VR/SAR-IV(26.03.2021) 3P:7C