



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

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4214 of 2021

1. Bose Kumar
2. Thangadurai

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.186 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.Prabu,
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.186 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 25.02.2021 for the offences punishable under Sections 341,294(b) and 397 of IPC on the file of the respondent police in Crime No.186 of 2021 seek bail.

2.The case of the prosecution is that on 24.02.2021 the petitioners waylaid the defacto complainant, abused him with filthy language and also robbed a sum of Rs.4000/- from the defacto complainant at knife point. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also submit that the money has been recovered, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are three accused in this case and the petitioners herein are arrayed as A1 and A2 and A3 is Juvenile. He would also submit that the petitioners waylaid the defacto complainant, abused him with filthy



language and also robbed a sum of Rs.4000/- from the defacto complainant at knife point and the money has been recovered. He would further submit that A1 is having two previous case and no previous case is pending against the petitioner.

5. 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 money has been recovered, 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.II, Kovilpatti

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., until further orders.

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/-
18/03/2021

/ 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, remains the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4214 of 2021
Date :18/03/2021

AAV

MS/PN/SAR-4/18.03.2021/3P.6C