



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

Date : 19/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.4261 of 2021

WEB COPY

K.Thiruvarangaselvam

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Seydunganallur Police Station,
Thoothukudi Disrict.
Crime No.58 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Saravana Kumar.C.,
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.58 of 2021 on the file of the Respondent Police.

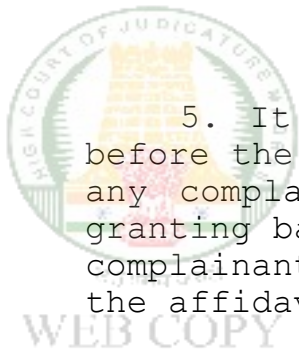
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.03.2021 for the offences punishable under Sections 341,294(b),387,307 and 506(ii) of IPC on the file of the respondent police in Crime No.58 of 2021 seeks bail.

2.The case of the prosecution is that when the defacto complainant was proceeding by walk the petitioner herein along with other accused waylaid him and demanded a sum of Rs.2000/- and when the defacto complainant refused to give the accused persons abused him and also tried to attack him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the innocent and he never committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused in this case and the petitioner herein is arrayed as A2. He would also submit that the petitioner herein along with other accused waylaid him and demanded a sum of Rs.2000/- and when the defacto complainant refused to give the accused persons abused him and also tried to attack him.



5. It is seen that the defacto complainant himself appeared before the lower Court and filed an affidavit that he has not lodged any complaint against the petitioner and he has no objection in granting bail to the petitioner. When the Court enquired the defacto complainant he has stated that he did not know what was written in the affidavit.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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, Srivaikundam

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 for a period of two weeks and thereafter as and when required for interrogation.

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

iv) the petitioner shall not abscond during trial.

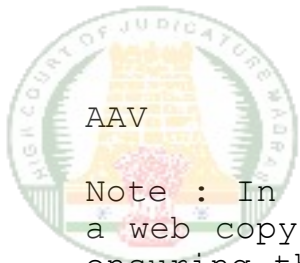
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
19/03/2021

/ 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,
SRIVAIKUNDAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SEYDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL,
KOVILPATTI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4261 of 2021
Date :19/03/2021

NR/VR/SAR-II(19.03.2021) 3P:6C