



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice ANANTHI

CRL OP(MD) . No.6557 of 2021

K.Muthukumar

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy District.
Crime No.506 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

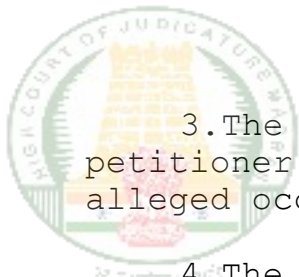
PRAYER :-

for bail in Crime No. 506 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 17.04.2021 for the offences punishable under Sections 147, 294(b), 323, 341, 506(i), 364(A) and 511 of IPC in Crime No.506 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.04.2021, at about 03.30 pm., when the defacto complainant was going in his two wheeler at over-bridge, one car and one auto came and blocked him. Five persons, who came in car, scolded him stating that how dare he gave complaint to the Police and attacked him with hands and two persons came in auto abused him and also attacked him and also tried to kidnap him. Hence the defacto complainant raised alarm and on hearing the alarm, public gathered there. Therefore, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an auto driver and he is no way connected with the alleged occurrence and he is in custody from 17.04.2021.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that both the accused and the defacto complainant are involved in illegal smuggling of gold, due to that, the present incident happened.

5.Considering the fact that material part of the investigation is over and the petitioner, is in custody from 17.04.2021, this Court is inclined to grant bail to the petitioner.

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.II, Trichy and on further condition that:

[a] 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 am., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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/-
05/05/2021

/ TRUE COPY /

/ /2021

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



kmm/sji

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.II,
TRICHY
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHY DISTRICT
- 3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY CITY,
- 4 THE SUPERINTENDENT CENTRAL PRISON,
TRICHY
- 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6557 of 2021
Date :05/05/2021

VB/VR/SAR-1/05/05/2021 ; 3P : 6C