



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

Date : 09/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7434 of 2021

Ramadeepan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Mandapam Police Station,
Ramnad District.
Crime No.35/2021

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

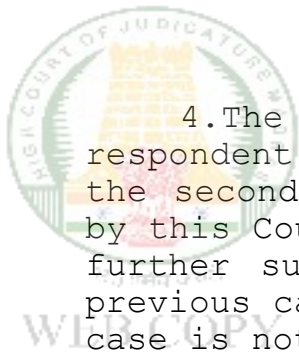
PRAYER :- For Bail in Crime No.35/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.02.2021 for the offences punishable under Sections 392 and 394 of IPC and Section 25(1A) of the Arms Act in Crime No.35 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.02.2021 at about 05.30 p.m., when the de-facto complainant and his friend had gone to a road near to TASMAC shop, the petitioner stopped them and asked money by showing long knife and the de-facto complainant refused to give money. Therefore, the petitioner attacked him with hands and took away Rs.100/- from the pocket of the de-facto complainant.

3.The learned counsel for the petitioner would submit that five previous cases are pending against the petitioner, which are not similar offences and out of the five cases, two cases are filed under Section 294(b) of IPC and two cases are filed for violation of Covid-19 protocol and one case is filed under NDPS Act. He would further submit that the petitioner is in judicial custody from 22.02.2021 and hence, he seeks bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that this is the second bail application and the earlier petition was dismissed by this Court on 23.04.2021 in Crl.O.P.(MD)No.5820 of 2021. He would further submit that the petitioner is a history sheeter and five previous cases are pending against him and the investigation in this case is not completed.

5.Taking note of the facts and circumstances of the case and the fact that the materials and substantial part of the investigation in this case is completed and also the fact that the petitioner is in judicial custody from 22.02.2021, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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, Rameshwaram. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 is directed to deposit a sum of Rs.10,000/- **(Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rameshwaram.

iii)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

v)the petitioner shall not abscond during trial.

vi)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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
09/06/2021

/ 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, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMNAD.
4. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMNAD DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7434 of 2021
Date : 09/06/2021

SJI
MS/PN/SAR-2/09.06.2021/3P.7C