



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8001 of 2021

A.Vimalraj

... Petitioner/Accused Rank No.1

Vs

State represented by,
The Inspector of Police,
Palakkarai Police Station,
Trichy City.
(Crime No.886 of 2020).

... Respondent/Complainant

For Petitioner : Mr.A.Azhageson,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.886 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 18.11.2020 the offences punishable under Section 399 IPC in Crime No.886 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18. 11.2020, the defacto complainant found that the accused in this case with deadly weapons and the accused were planning to commit robbery by showing the weapons. Therefore, the defacto complainant preferred the present complaint.

3.The learned counsel for the petitioner submitted that it is true that the petitioner has some previous cases. However, those cases are false case and on the basis of the previous cases, this case also falsely foisted against the petitioner. He further submitted that the petitioner's father died 32 days back and he is in custody from 18.11.2020 and hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the petitioner has 7 previous cases, in which, one case is 302 IPC case.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner's father died 32 days back and he is in custody from 18.11.2020, 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.V, 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/-
18/06/2021

/ 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 NO.V,
TRICHY.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4.THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.

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

ORDER

IN

CRL OP(MD) No.8001 of 2021

Date :18/06/2021

GNS

PK/AKM/SAR-I/18.06.2021 : 3P/6C