



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 02/07/2021

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PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8608 of 2021

Vishnu

... Petitioner/Accused No.5

Vs

The State Rep. by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.223 of 2021

... Respondent/Complainant

For Petitioner : Mr.Balakrishnan.A., Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

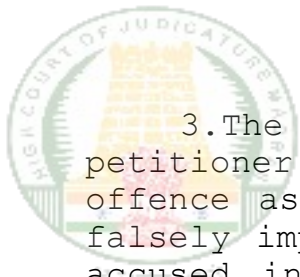
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.223 of 2021 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 24.04.2021 for the offences punishable under Sections 147, 364(A) and 506(ii) of I.P.C in Crime No.223 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.04.2021, there was a compromise talk between one Sethu Parvathi Bai and the defacto complainant's brother-in-law, pertaining to vacate the shops, wherein the defacto complainant's brother-in-law was doing business. As per the compromise, the said Sethu Parvathi Bai, paid a sum of Rs.13,50,000/- to the brother-in-law of the defacto complainant and one Dharbar Ravi also participated in the compromise and the accused persons also present. In order to compromise the dispute, the brother-in-law of the defacto complainant agreed to pay Rs.2 Lakhs to the first accused. After paying the said amount, the first accused demanded additional sum of Rs.50,000/- and when the defacto complainant's brother-in-law refused the same, the accused persons taken away him in a car and demanded Rs.1 Lakh and threatened them. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He would further submit that co-accused in this case have already been released on bail by this Court and the petitioner is in judicial custody for the past 70 days. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner herein arrayed as an accused No.5. There is no previous case pending against the petitioner. So far seven witnesses were examined in this case and the investigation is pending. Therefore, he opposes to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that so far 7 witnesses were examined and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.

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 as and when required for interrogation.

iii)the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Save Poor Lives Registered Public Charitable Trust in SBI** (Account No.20000913487, Raja Annamalaipuram Branch, IFSC Code: SBIN0001855), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

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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/ /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.II, NAGERCOIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

COPY TO:-

THE OFFICER INCHARGE,
SAVE POOR LIVES REGISTERED PUBLIC CHARITABLE TRUST,
(ADMIN DIVISION)
FLAT NO.A1, CEEBROS GRADEN, GROUND FLOOR,
OLD No.76, KAMARAJAR SALAI,
RAJA ANNAMALAIPURAM, CHENNAI-600 028.

ORDER
IN
CRL OP(MD) No.8608 of 2021
Date :02/07/2021