



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9433 of 2021

Bala ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Thanjavur Tamil University Police Station,
Thanjavur District.
in Crime No.546 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.546 of 2021 on the file of Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 18.06.2021 for the offences under Sections 392 and 397 I.P.C, in Crime.No.546 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had demanded money from the defacto complainant for parking his vehicle on the road side. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. But, he is in jail from 18.06.2021. In order to show his *bona fide*, he is ready to abide by any condition to be imposed by this Court, including by doing some service in the Government Hospital and to the inmates of the Government Hospital, even in this pandemic situation.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police has strongly opposed the grant of bail to the petitioner on the ground that apart from this case, the petitioner

<https://hccservices.courts.gov.in/hccservices/>



has involved the following four previous cases;

1.	Crime No.531 of 2018 on the file of TMCH Police Station for the offence under Sections 294(b), 387, 506(ii) I.P.C and Section 3(1) TNPPDL Act @ Sections 294(b), 387, 427, 506(ii) I.P.C (Stage-NTF)
2.	Crime No.401 of 2018 on the file of TMCH Police Station for the offence under Sections 294(b), 324, 506(ii) I.P.C (Stage-disposal)
3.	Crime No.413 of 2017 on the file of TMCH Police Station for the offence under Sections 294(b), 324, 506(ii) I.P.C and Section 4(I)(i) of TNP Act @ Section 294(b), 352, 506(ii) I.P.C and Section 4(I)(i) of TNP Act. (Stage PT)
4.	Crime No.79 of 2016 on the file of TMCH Police Station for the offence under Section 75 TNCP Act. (Stage PT)

5.Considering the facts and circumstances of the case and the gesture shown by the petitioner to do some service in the Government Hospital and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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, Thanjavur, and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall stay at Madurai and report before the outpost Police attached to the Government Rajaji Hospital, Madurai, daily, at 08.00 am and then report before the Resident Medical Officer (RMO) of Government Rajaji Hospital, Madurai at 08.30 am, daily, until further orders. The Resident Medical Officer shall allot non-technical works, such as regularizing / guiding the patients, etc., as he deems fit, to the petitioner from 08.30 am to 01.30 pm [five hours]. The outpost Police shall supervise and assist the Resident Medical Officer in extracting the work / service from the petitioner. A separate register is to be maintained by the outpost Police, at the cost of the petitioner, in which the entry and exit timings should be marked, signed and counter-signed by both the outpost Police as well as the Resident Medical Officer.

[c] In the event of any disobedience on the part of the petitioner, the Resident Medical Officer shall revert him back to this Court, for which, the outpost Police is to assist the Resident Medical Officer.



[d] The petitioner is at liberty to file a petition for relaxation / modification after doing service for fifteen days, along with a certificate signed and counter-signed by both the outpost Police as well as the Resident Medical Officer.

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

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

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/08/2021

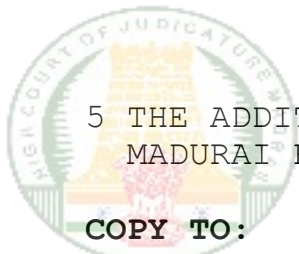
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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
THANJAVUR
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
THANJAVUR TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO:

1 THE INSPECTOR OF POLICE,
OUTPOST POLICE ATTACHED TO
THE GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

2 RESIDENT MEDICAL OFFICER (RMO),
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER

IN

CRL OP(MD) No.9433 of 2021

Date :12/08/2021

MSA

MK/VR/SAR.II/12.08.2021/4P/8C