



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

Date : 25/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.11217 and 11218 of 2021

Samykanu @ Soosai	... Petitioner/Accused No.2 in CRL OP(MD). No.11217 of 2021
Samykanu @ Soosai	... Petitioner/Accused No.3 in CRL OP(MD). No.11218 of 2021
Vs	

State represented by The Inspector of Police, Vadamadurai Police Station, Dindigul District. Crime No.706 of 2021	... Respondent/Complainant in CRL OP(MD). No.11217 of 2021
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State represented by The Inspector of Police, Vadamadurai Police Station, Dindigul District. Crime No.721 of 2021	... Respondent/Complainant in CRL OP(MD). No.11218 of 2021
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(In both petitions)

For Petitioner : Mr.R.Prakash,
Advocate.
For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime Nos.706 and 721 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 17.07.2021 for the offences under Section 394 I.P.C, in Crime No.706 of 2021; and Sections 392, 397 and 506(ii) I.P.C, in Crime.No.721 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution in CRL OP(MD).No. 11217 of 2021 is filed on 14.07.2021 at about 9.30 p.m, while the defacto



complainant drove his van and came near Morepatti Antony College situated in Dindigul to Trichy National Highway, the petitioner and others brutally attacked the defacto complainant, threatened him with knife and extorted Rs.35,000/- from him. Hence, the case.

3.The case of the prosecution in CRL OP(MD).No. 11218 of 2021 is that on 16.07.2021 at about 6.00 p.m when the defacto complainant was walking on the road side near Bannari Mills situated in Dindigul to Trichy National Highway, the petitioner and four others caught hold of the defacto complainant, threatened him with knife and extorted Rs.1,000/- from him. Hence, the case.

4.Since the petitioner as well as the respondent police in both the petitions are one and the same, both the applications are heard together and are disposed of by this common order.

5.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. The petitioner is also ready to file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not indulge in any other offences in future. Since the petitioner is in jail from 17.07.2021, prayed for grant of bail to the petitioner.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the final report in these cases are yet to be filed. He further submitted that apart from the present case, the petitioner is having three previous cases for the offences under the Indian Penal Code.

7.Taking into consideration of the facts and circumstances of the case, the fact that the petitioner is ready to file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not indulge in any other offences in future and the period of incarceration, this Court is inclined to grant bail to the petitioner.

8. 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 common sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Veda sandur, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.



[c] the petitioner shall appear before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

sd/-
25/08/2021

/ 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, VEDASANDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
4. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD). Nos.11217 and 11218 of 2021
Date :25/08/2021

MSA
MS/VR/SAR-2/25.08.2021/3P.6C

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