



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

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.11853 and 11857 of 2021

Balaji

... Petitioner/1st Accused
in Crl OP(MD)No.11853of 2021

... Petitioner/Accused Rank not
known in Crl OP(MD)No.11857 of 2021

Vs

State represented by
The Inspector of Police
Sempatti Police Station
Dindigul
Crime Nos.529 and 591 of 2021

... Respondent/Complainant
in both the petitions

(In both petitions)

For Petitioner : Mr.Manikandan P,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime Nos.529 and 591 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner has involved in two similar offences on
18.06.2021 and 30.07.2021 and therefore, the cases in Crime No.529
of 2021 was registered for the offence under Section 392 @ Section
397 I.P.C and Crime No.591 of 2021 was registered for the offence
under Section 392 @ Section 397 I.P.C on the file of the respondent
police and he was also apprehended. Hence, he has moved these
applications for bail.

2.The case of the prosecution is that the petitioner along with
the other accused have hijacked the defacto complainant's vehicle
and threatened him with knife. Hence, the complaints.



3. 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.

4. 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 has filed an affidavit of undertaking attested by the Superintendent, Dindigul District Jail before this Court that he will not indulge in any other offences in future. He would further submit that the petitioner is in jail from 08.08.2021 and hence, he prayed for grant of bail to the petitioner.

5. 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 cases, the petitioner is not having any bad antecedent.

6. Taking into consideration of the facts and circumstances of the case, the fact that the petitioner has not involved in any other offences, the affidavit of undertaking attested by the Superintendent, Dindigul District Jail that he will not indulge in any other offences in future and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, these Criminal Original Petitions are 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 common sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Athur, Dindigul District 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 appear before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioner shall not abscond 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 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]**.



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

WEB COPY

sd/-
03/09/2021

/ TRUE COPY /

/ /2021

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

msa

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,
ATHUR,
DINDIGUL DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL.
- 4 THE SUPERINTENDENT,
DINDIGUL DISTRICT JAIL,
DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11853
&11857 of 2021
Date :03/09/2021

PKP/JC/SAR-2/06.09.2021/3P/6C