



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12098 of 2021

RAJA

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PETTAIVAITHALAI POLICE STATION
TRICHY
(CRIME NO. 287 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.VISHNU V,
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.287 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.08.2021, for the offence punishable under Sections 454 and 511 I.P.C, in Crime No.287 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2021, the defacto complainant along with his family left his home to a temple at about 06.00 p.m. In the meantime, when they viewed their CCTV camera footage through their phone, they found that an unidentified person jumped over the wall and tried to break the window glass. On seeing the footage, immediately, the complainant rushed back to his home. But, on seeing the complainant, the said unidentified person fled away from the scene. On the next day, the complainant, on seeing the accused person, having the resemblance as that of the person from the CCTV footage, caught hold of him and lodged the complaint.



3.The learned counsel for the petitioner submits that the petitioner has passed through the street and he was caught for having the same resemblance. He would further submit that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. But, he is in judicial custody from 02.08.2021 and therefore, sought for grant of bail.

4.The learned Government Advocate(Crl.Side) opposed for grant of bail on the ground that the investigation is yet to be completed. He would further submit that the petitioner is not having any bad antecedent.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that the petitioner has not involved in any other offences and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Srirangam 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. and 5.30 p.m for a period of one week and thereafter, he shall appear once in a week i.e. on every Monday at 10.30 a.m 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/-
24/08/2021

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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,
SRIRANGAM.
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
PETTAIVAITHALAI POLICE STATION
TRICHY
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12098 of 2021
Date :24/08/2021

GC/JC/SAR-III/24/08/2021/3P/6C