



WEB COPY

01.10.2020 and 23.10.2020 and therefore, the cases in Crime No.601

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.12977 and 13366 of 2021

Ranjith Kumar

... Petitioner/Accused No.1 and 2
in both the petitions

Vs

The State rep.by,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime Nos.601 and 643 of 2020

... Respondent/Complainant
in both the petitions

For Petitioner : Mr.C.Senthil Murugan,
Advocate.(In both petitions)

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side) (In both petitions)

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

PRAYER :-For Bail in Crime Nos.601 and 643 of 2021 on the file of
the Respondent Police.

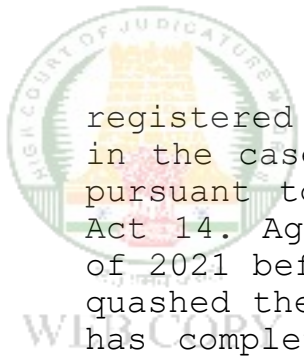
COMMON ORDER : The Court made the following order :-

The petitioner has involved in two similar offences on 01.10.2020 and 23.10.2020 and therefore, the cases in Crime No.601 of 2020 was registered for the offence under Section 392 I.P.C and Crime No.643 of 2020 was registered for the offence under Sections 452, 429, 392, 397 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 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 other accused has snatched the cell phone and jewels of the defacto complainant. 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 <https://hdservices.eperts.gov.in/hdservices/> was arrested on 06.11.2020 in the above cases



registered by the respondent police. Thereafter, he was implicated in the cases registered in Crime Nos. 315 of 2018 and 577 of 2020, pursuant to the confession given by him and he was detained under Act 14. Aggrieved by the same, the petitioner filed HCP(MD).No.320 of 2021 before this Court and this Court vide order dated 24.08.2021 quashed the detention order. In the meanwhile, the respondent police has completed their investigation in both the cases and laid the charge sheets and the same were taken on file in C.C.No.04 of 2021 and S.C.No.47 of 2021 respectively before the Court concerned. The learned counsel further submits that the petitioner was not at all named in the F.I.R in any of the cases. Only for statistical purpose, these cases have been foisted against him. The petitioner was implicated in Crime No.315 of 2018 which is alleged to have happened on 14.11.2018 whereas this petitioner performed his marriage on that day, which exposes the attitude of the respondent police. He further submitted that the petitioner is an innocent, he is inside the prison from 06.11.2020 and hence, he prays for grant of bail.

5.The learned Government Advocate (Crl.side) would submit that this petitioner is a habitual offender. He is having nine previous cases. Apart from this, the petitioner has committed the offence along with another accused one Mani @ Arivu Mani who is having six previous cases. Therefore, the learned Government Advocate (Crl.side) opposed the grant of bail on the ground that if the petitioner is released on bail, he will indulge in further offences.

6.Considering the antecedents of the petitioner, this Court was not inclined to grant bail and was about to dismiss the bail application, at that time, the learned counsel for the petitioner submitted that the petitioner's brother is a practising Advocate and he is prepared to file an affidavit of undertaking before this Court that the petitioner will not indulge in any criminal activities in future and he also took responsibility for him.

7.Though this petitioner has involved in nine other cases, as of now they are pending for trial. The brother of the petitioner has also filed an affidavit before this Court that the petitioner will not indulge in any criminal activities in future and he also took responsibility for him.

8.Taking into consideration of the facts and circumstances of the case, the affidavit filed by the brother of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

9. 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 No.II, Ramanathapuram and on further



[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.

sd/-

15/09/2021

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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, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.12977 and 13366 of 2021

Date :15/09/2021

MSA

MK/PN/SAR.III/15.09.2021/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>