



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

Date : 13/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12806 of 2021

Robert John Kennedy ... Petitioner/Accused No.6

Vs

State Rep. by
The Inspector of Police,
Ramanathapuram Town Police Station
Ramanathapuram.
(Crime.No.203 of 2021). ... Respondent/Complainant

For Petitioner : Mr.M.Balaji
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.203 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 19.08.2021 for the offences punishable under Sections 399 of IPC, in Crime No.203 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.08.2021, at 11.00 p.m. the defacto complainant along with his subordinates, involved in vehicle check up. At that time, the petitioner along with five other persons came in their vehicle and they were having some deadly weapons in their custody. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and the petitioner along with five



others went on a devotional trip to Rameshwaram. At that time the police officials intercepted their vehicle and falsely foisted the case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that no offence has taken place and co-accused has also been released on bail by the Court of Sessions.

5.Since no offence has taken place and the co accused has been granted bail by the Court of Sessions 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.I, Ramanathapuram, 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 appear before the respondent police daily twice at 10.30 a.m in the morning and at 5.00 p.m. in the evening 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 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 229-A IPC.

sd/-
13/09/2021

/ TRUE COPY /

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

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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.I, Ramanathapuram.
2. Do Through
The Chief Judicial Magistrate, Ramanathapuram.
3. The Officer Incharge, Ramnad Prison, Ramanathapuram.
4. The Inspector of Police,
Ramanathapuram Town Police Station
Ramanathapuram.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12806 of 2021
Date : 13/09/2021

TR/PN/SAR-I(13.09.2021) 3P 6C