



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

Date : 06/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12981 of 2021

Ram Kanaga Sabapathi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.111 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.S.Thesigan,
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. 111 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 19.07.2021, for the offence punishable under Sections 341, 342, 363, 506(ii), 406, 420 and 397 IPC, in Crime No.111 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that that the defacto complainant was running online business in the name and style of "Koin Bazar Technologies Pvt. Ltd." in Madurai. Owing to the pandemic, the defacto complainant migrated to Sivakasi and was carrying on his business from there. On 13.07.2021, at about 10.15 a.m. one Kumar and four other unknown persons at knife point abducted him and took him to Courtallam, where his golden ornaments and crypto currencies were forcibly taken away by the accused persons. Hence, the complaint.

3. The learned counsel for the petitioner submits that due to the dispute with regard to the commercial transactions between the defacto complainant and the accused persons, there was a verbal quarrel. The petitioner herein has nothing to do with the above



business and he has been falsely implicated in this case. However, he is languishing in jail from 19.07.2021. Hence, he prayed for grant of bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case and the co-accused was released on bail by this Court in Crl.O.P.(MD)No.10209 of 2021.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the fact that the petitioner is not having any previous case and the co-accused was released on bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this 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 No.II, Virudhunagar, 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. 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/-

06/09/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.S.THESIGAN, Advocate (SR-5990[I] dated 06/09/2021)

ORDER

IN

CRL OP(MD) No.12981 of 2021

Date :06/09/2021

OGY

MS/VR/SAR-1/06.09.2021/3P.7C