



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

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.13217 and 13221 of 2021

1.Sakthivel ... Petitioner/Accused Rank Not Known in
Crl.OP(MD).No.13217 of 2021
2.Arumugasamy ... Petitioner/Accused Rank Not Assigned
in Crl.OP(MD).No.13221 of 2021

Vs

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

... Respondent/Complainant
in both petitions

For Petitioner : Mr.V.Kathirvelu, Senior Counsel.
(in Crl.OP.No.13217 of 2021) For Mr.K.Prabhu, Advocate.

For Petitioner : Mr.R.Rajamohan, Advocate.
(in Crl.OP.No.13221 of 2021)

For Respondent : Mr.T.Senthilkumar,
(in both the petitions) Government Advocate (Crl.Side)

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

COMMON PRAYER :-For Bail in Crime No.111 of 2021 on the file of the
respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners who were arrested on 24.07.2021 and 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, seek 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
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 petitioners submits that the petitioners are innocents, they are not the named accused in the FIR, but they have been falsely implicated in this case. However, they are languishing in jail from 24.07.2021 and 19.07.2021 respectively. 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. He would further submit that the co-accused were released on bail by this Court in Crl.O.P.(MD) Nos.10209 and 12981 of 2021.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the period of incarceration and also the fact that the co-accused were released on bail, this Court is inclined to grant bail to the petitioners.

6. Accordingly, these Criminal Original Petitions are ordered. The petitioners are directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners shall report before the Vikramasingapuram Police Station, Tirunelveli District daily at 10.30 a.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/09/2021

/ TRUE COPY /

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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 NO.II,
VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
 - 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 6 THE INSPECTOR OF POLICE,
VIKRAMASINGAPURAM POLICE STATION, TIRUNELVELI DISTRICT.
- +1. CC to MR.K.PRABHU, Advocate SR.No.6098.
- +1. CC to MR.R.RAJAMOHAN, Advocate SR.No.6134.

ORDER
IN
CRL OP(MD) No.13217 and 13221 of 2021
Date :09/09/2021

MSA
MK/VR/SAR.IV/09.09.2021/3P/9C