



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

Date : 08/10/2021

PRESENT

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The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.13834, 13781 and 14123 of 2021

1. RAJESHWARAN @ RAJESH
2. MADHUBALAN

... PETITIONERS/ACCUSED NOS.4&5
IN CRL OP(MD)NO.13834 OF 2021

K.KARTHICK

... PETITIONER ACCUSED
IN CRL OP(MD)NO.13781 OF 2021

MURUGAN

... PETITIONER/ACCUSED NO.8
IN CRL OP(MD)NO.14123 OF 2021

VS

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.418 OF 2021.

... RESPONDENT/COMPLAINANT

For petitioners : Mr.K.Jeyamohan, Advocate for
Mr.S.Ragaventhre, Advocate
in Crl.O.P.(MD)No.13834 of 2021

For Petitioner : Mr.A.Jeyaraman, Advocate
in Crl.O.P.(MD)Nos.13781 & 14123 of 2021

For Respondent : Mr.A.Thiruvadikumar,
Additional Public prosecutor

PRAYER :-

Crl.O.P.(MD)Nos.13834 and 14123 of 2021 filed under Sec.439 of Cr.P.C. seeking bail in Cr.No.418 of 2021.

Crl.O.P.(MD)No.13781 of 2021 filed under Section 438 of Cr.P.C. seeking anticipatory bail in Cr.No.418 of 2021.

COMMON ORDER : The Court made the following order :-

The petitioners in Crl.O.P.(MD)No.13834 and 14123 of 2021, who were arrested on 13.08.2021 for the offence punishable under Section 392 IPC @ Sections 392, 398 and 395 IPC, in Crime No.418 of 2021, seek bail.



2.The petitioner in Crl.O.P.(MD)No.13781 of 2021, who apprehends arrest at the hands of the respondent Police, for the offence under Section 392 @ 398 IPC @ 395 and 398 IPC, in Crime No.418 of 2021 on the file of the respondent Police, seeks anticipatory bail.

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3. The case of the prosecution is that when the defacto complainant was driving his lorry with 200 gunny bags of Urad dhal, the accused persons waylaid the defacto complainant, threatened him and took away the lorry with the load and a sum of Rs.22,000/- from him. Hence, the complaint.

4.The learned counsels appearing for the petitioners in Crl.O.P.(MD)Nos.13834 and 14123 of 2021 submit that originally the case was registered without mentioning the name of the petitioners. However, the petitioners have been arrested in this case and added as accused. They further submit that accused No.5 is a student and other accused are agriculturists. They are not having any bad antecedents, but, they are languishing in jail from 13.08.2021 and hence, they seek for grant of bail.

5.Insofar as the petitioner in Crl.O.P.(MD)No.13781 of 2021 is concerned, the learned counsel submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

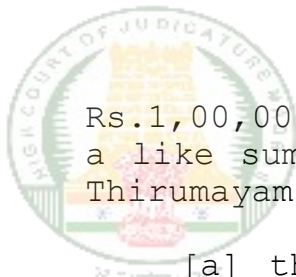
6.The learned Additional Public Prosecutor submits that the investigation is yet to be completed. He further submits that the petitioners are not having any bad antecedents. However, the specific overt act is attributed as against Murugan, the petitioner in Crl.O.P.(MD)No.13781 of 2021.

7.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the specific overt act is attributed as against the petitioner in Crl.O.P.(MD)No.13781 of 2021, this Court is not inclined to grant anticipatory bail to the petitioner in Crl.O.P.(MD)No.13781 of 2021. Accordingly, the Criminal Original petition in Crl.O.P.(MD)No.13781 of 2021 is dismissed.

8.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, the antecedent of the petitioners and also the fact that the petitioners are at the tender age, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD)No.13834 and 14123 of 2021 with stringent conditions.

9.Accordingly, Crl.O.P.(MD)No.13834 and 14123 of 2021 and the petitioners in Crl.O.P.(MD)No.13834 and 14123 of 2021 are ordered to

<https://hcservices.ecourts.gov.in/hcservices/> bail on their executing a bond for a sum of



Rs.1,00,000/- (Rupees one lakh only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam, Pudukottai and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioners will not indulge in any other offence in future and they will be available for the entire trial;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] the petitioners shall not misuse the liberty granted to them by this Court and if the petitioners are involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the petitioners shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he will not indulge in any other offence in future;

[f] the petitioners shall not abscond during the trial;

[g] the petitioners shall not tamper with the evidence or witness during trial;

[h] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/10/2021

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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,
THIRUMAYAM, PUDUKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, THIRUMAYAM, PUDUKOTTAI DISTRICT.
4. THE OFFICER-INCHARGE,
SUB JAIL, PUDUKOTTAI.
5. THE SUB INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos.13834, 13781
and 14123 of 2021
Date :08/10/2021

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USK/JM/SAR-IV/ (08.10.2021) 4P-7C