



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15055 of 2021

Suriyaprakash

... Petitioner/Accused NO.2

Vs

The State rep.by,
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
In Crime No.824/2021.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

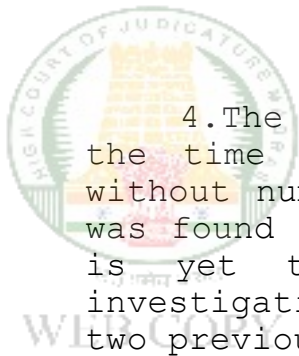
PRAYER :-For Bail in Crime No.824 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 05.08.2021, for the offence punishable under Sections 294(b), 324 and 307 IPC, in Crime No.824 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 04.08.2021 this petitioner along with first accused has stolen the two wheeler at Thiruvavarur and taken the same to Thanjavur. At that time, when the defacto complainant along with his friends chased this petitioner, he dashed the vehicle of the defacto complainant and the first accused assaulted the defacto complainant on his head. Hence, the complaint.

3.The learned counsel for the petitioner submits that the entire allegation is only against the first accused. A false case has been foisted against this petitioner as he is the friend of the first accused. The injured has also been discharged from the hospital. The petitioner is in judicial custody from 05.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor would submit that at the time of occurrence, this petitioner has ridden the vehicle without number plate and from the engine number of the vehicle, it was found that the vehicle belongs to one Suraj and his whereabouts is yet to be detected. He would further submit that the investigation is yet to be completed and the petitioner is having two previous cases to his credit.

5.Considering the nature of offence, this Court has dismissed the earlier bail application filed by this petitioner in Crl.OP(MD) No.13404 of 2021 on 13.09.2021. This is the second bail application.

6.In order to ascertain the ownership of the alleged vehicle ridden by the petitioner at the time of occurrence, this Court directed the respondent police to file a report in this regard. The respondent police has stated that from the engine number of the alleged vehicle, it was found that the vehicle belongs to one Suraj and his whereabouts is yet to be detected.

7.At this juncture, the learned counsel for the petitioner submits that the petitioner will 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 and also undertakes to furnish the sureties of respectable persons in their locality.

8.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, his readiness to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

9. 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pappanasam 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 by ensuring that the petitioner will not indulge in any other offence in future and he 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 Aadhar card or Bank pass Book to ensure their identity;

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner is involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties



[d] the petitioner shall report before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders;

[e] the petitioner 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 petitioner shall not abscond during the trial;

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

[h] 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]**.

[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, PAPPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.15055 of 2021

Date :08/10/2021

PNM/MSA

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