



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14364 of 2021

Muthupandi @ Devar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kadaladi Police Station
Ramanathapuram District
Crime No.195 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.KARUPPASAMY PANDIYAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.195 of 2021 on the file of the Respondent Police.

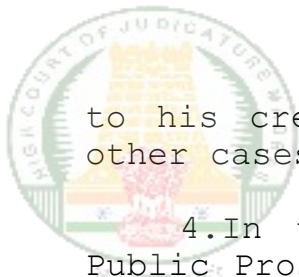
ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 07.09.2021 for the offence under Section 397 I.P.C in Crime No.195 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.09.2021 at 12.00 noon when the defacto complainant was looking on his phone near Santhamariamman temple, this petitioner snatched a gold chain of the defacto complainant at the knife point. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the present case has been foisted as against the petitioner for the purpose of detaining him as Goonda under Act 14 of 1982 and there is no injury on the neck of the complainant. He would further submit the petitioner aspires to become a Police Officer. He is languishing in jail from 07.09.2021 and hence, he seeks for grant of bail.

3. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that this petitioner is a history sheeted rowdy and having four previous cases



to his credit, out of which, one is under Section 307 I.P.C and other cases are also serious in nature.

4. In view of the submission made by the learned Additional Public Prosecutor, when this Court was inclined to dismiss the bail application on the earlier occasion, the learned counsel for the petitioner sought permission of this Court to file an undertaking affidavit of any respectable person in his locality.

5. Accordingly, the learned counsel for the petitioner has filed an undertaking affidavit of one Mayakrishnan, S/o. Manickam who is the elected councilor of the area at Ward No.5, Orivayal Village, in which, he has given an assurance before this Court that this petitioner will not involve in any other offences in future.

6. The learned counsel for the petitioner further submits that all the previous cases are under trial and in none of the cases the petitioner is found guilty or convicted. Though this petitioner is aspiring to become a Police Officer, no record has been produced to that effect.

7. Considering the facts and circumstances of the case, the affidavit filed by one Mayakrishnan, who is the people representative of the Village Panchayat and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

8. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kadaladi 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.

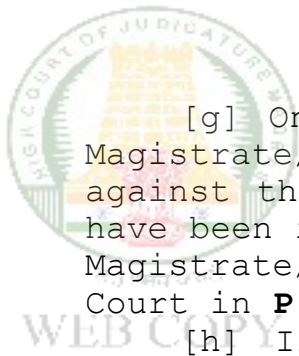
[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[c] the petitioner shall file a copy of the undertaking affidavit filed by the Mayakrishnan, S/o. Manickam before the respondent police. The respondent police shall keep the undertaking affidavit as record. If this petitioner involves any other offences in future, a cost of Rs.50,000/- shall be imposed on the person who has given assurance for this petitioner before this Court.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m until further order.

[e] the petitioner shall not abscond either during trial.

[f] the petitioner shall not tamper with evidence or witness either during trial.



[g] 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]**.

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

sd/-

27/09/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KADALADI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
3. THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION
RAMANATHAPURAM DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14364 of 2021

Date : 27/09/2021

SA/VR/SAR.3/27.09.2021/3P/6C