



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14585 of 2021

Manimaran ... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
In Crime No.494 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.494 of 2021 on the file of the Respondent police.

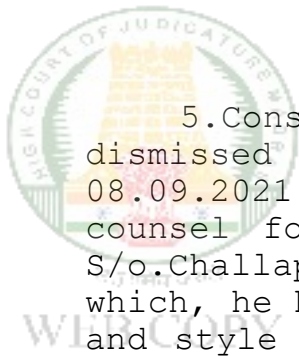
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 07.08.2021 for the offence under Sections 387 and 506(ii) I.P.C, in Crime No.494 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.08.2021 at about 06.30 hours, while the defacto complainant and his friend were waiting for an auto, the petitioner extorted a sum of Rs.530/- from the defacto complainant at knife point. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but a false case was foisted as against him. He would further submit that the petitioner is inside the prison from 07.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that apart from this case, the petitioner is having ten previous cases and the investigation in this case is yet to be completed.



5.Considering the antecedents of the petitioner, this Court has dismissed the earlier bail application filed by the petitioner on 08.09.2021 in Crl.OP(MD).No.13101 of 2021. However, the learned counsel for the petitioner now filed an affidavit of one Peter, S/o.Challappa, who is residing at Andalpuram, Madurai District, in which, he has stated that he is running a Fitness Studio in the name and style of 'Genesis Fitness Studio' for the past 5 years and he knows the petitioner for the past 15 years and he has given an assurance that the petitioner would not involve in any other offence in future.

6.Considering the facts and circumstances of the case, the undertaking affidavit filed by one Peter, and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions:

7. Accordingly, the petitioner is ordered 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, Periyakulam, Theni, apart from the above one person and on further conditions that:

[a] the surety shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure his identity;

[b] if the petitioner involves in any further offence, action shall be taken as against the sureties and the amount undertaken by the sureties shall be recovered from them;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
06/10/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14585 of 2021
Date : 06/10/2021

PNM/MSA
MK/SKN/SAR.II/06.10.2021/3P/6C