



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.15373 of 2021

C.Vasantham Moorthi

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Pettai Police Station,
Tirunelveli City.
In Crime No.326 of 2021

... Respondent/Complainant

For Petitioner : Mr.N.Mohideen Basha,
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.326 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 24.09.2021, for the offence punishable under Sections 392 r/w. 397 IPC in Crime No.326 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 21.09.2021, at about 3.30 p.m., when the defacto complainant was going to Alankulam in his Two Wheeler, one of the accused person waylaid the defacto complainant and took him to the backside of the Petrol Pump, where, five other accused persons intercepted him. Thereafter, two accused persons threatened the defacto complainant with knife and one accused took Rs.5,000/- and another accused took Samsung Galaxy Phone from the pocket of the defacto complainant and also criminally intimidated him.

3. The learned counsel for the petitioner submits that the accused persons and the defacto complainant are friends and the defacto complainant was in a homosexual relation with another boy. The accused persons got the video of the physical intimacy of the defacto complainant and therefore, this false complaint has been



from 24.09.2021. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecutor submits that the petitioner is not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the antecedent of the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and 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 No.V, Tirunelveli 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

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

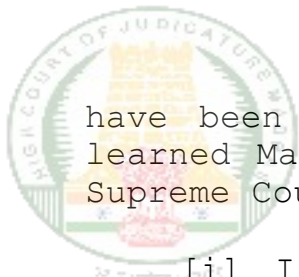
[d] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[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 is 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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/ /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.V,
TIRUNELVELI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI CITY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15373 of 2021

Date :08/10/2021

OGY

MK/JM/SAR.IV/08.10.2021/3P/6C