



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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD). Nos.16057 and 16060 of 2021

Ranjithkumar

... Petitioner/Accused No.1

in both the petitions

Vs

State represented by

The Inspector of Police,

Kenikkarai Police Station,

Ramanathapuram District.

Crime Nos.315 of 2018 and 577 of 2020 ... Respondent/Complainant

in both the petitions

(In both the petitions)

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

For Respondent : Mr.T.Senthilkumar

Additional Public Prosecutor

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

PRAYER :-For Bail in Crime Nos.315 of 2018 and 577 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

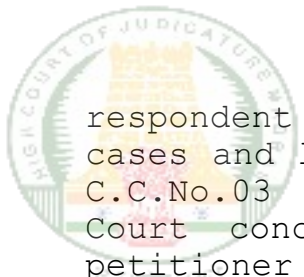
The petitioner has involved in two similar offences on 14.11.2018 and 01.10.2020 and therefore, the case in Crime No.315 of 2018 was registered for the offence under Section 392 I.P.C and Crime No.577 of 2020 was registered for the offence under Section 393 I.P.C, on the file of the respondent police and he was also apprehended. Hence, he has moved these applications for bail.

2.The case of the prosecution is that the petitioner along with other accused has snatched the cell phone and jewels of the defacto complainant. Hence, the complaints.

3.Since the petitioner as well as the respondent police in both the petitions are one and the same, both the applications are heard together and are disposed of by this common order.

4.The learned counsel appearing for the petitioner submits that the petitioner was arrested on 06.11.2020 in the above cases registered by the respondent police. Thereafter, he was implicated in the case registered in an another crime and he was detained under Act 14 of 1982. Aggrieved by the same, the petitioner filed HCP(MD). No.320 of 2021 before this Court and this Court vide order dated 24.09.2021 in HCP(MD). No.320 of 2021 quashed the detention order. In the meanwhile, the

<https://hcservices.courts.gov.in/hcservices>



respondent police has completed their investigation in both the cases and laid the charge sheets and the same were taken on file in C.C.No.03 of 2021 and C.C.No.02 of 2021 respectively before the Court concerned. The learned counsel further submits that the petitioner was not at all named in the F.I.R in any of the cases. Only for statistical purpose, these cases have been foisted against him. The petitioner was implicated in Crime No.315 of 2018 which is alleged to have happened on 14.11.2018 whereas this petitioner performed his marriage on that day, which exposes the attitude of the respondent police. He further submitted that the petitioner is an innocent, he is inside the prison from 06.11.2020 and hence, he prays for grant of bail.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that this petitioner is a habitual offender. He is having eight previous cases. Therefore, the learned Additional Public Prosecutor opposed the grant of bail on the ground that if the petitioner is released on bail, he will indulge in further offences.

6.Considering the antecedents of the petitioner, this Court was not inclined to grant bail and was about to dismiss the bail application, at that time, the learned counsel for the petitioner submitted that the petitioner's brother is a practising Advocate and he is prepared to file an affidavit of undertaking before the respondent police as well as before the trial Court that the petitioner will not indulge in any criminal activities in future and he also took responsibility for him.

7.Though this petitioner has involved in eight other cases, as of now they are pending for trial. The brother of the petitioner is also prepared to file an affidavit that the petitioner will not indulge in any criminal activities in future and he also took responsibility for him.

8.Taking into consideration of the facts and circumstances of the case, 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, these Criminal Original Petitions are allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two common sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further condition 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 Aadhaar card or bank pass book to ensure their identity.



[b] the brother of the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that the petitioner will not indulge in any criminal activities in future.

[c] the petitioner shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.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 petitioners 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/-

22/10/2021

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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 NO.II, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.16057 and

16060 of 2021

Date : 22/10/2021

MSA

<https://hmcjcs1201/MSA/In/Services/22.10.2021/4P/6C>