



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15983 of 2021

Durai @ Esakkipandi

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
Crime No.385 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.VENKATESH,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.385 of 2021 on the file of the Respondent Police

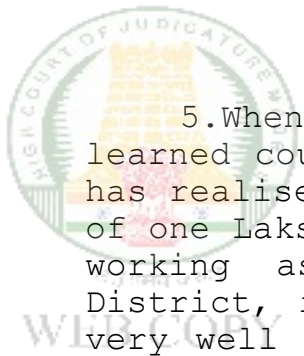
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 24.09.2021 for the offence under Sections 341, 294(b), 387 and 506(ii) I.P.C. and Section 25(1A) of Arms Act in Crime No.385 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2021, the accused persons have threatened the defacto complainant by showing aruval and have forcibly taken a sum of Rs.200/- from him by introducing themselves as notorious rowdies. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison from 24.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that apart from this case, the petitioner has involved in yet another case. He would further submit that the investigation in this case is yet to be completed and no one has sustained injury in this case.



5. When this Court is inclined to dismiss the petition, the learned counsel for the petitioner would submit that the petitioner has realised his mistake and he has filed the undertaking affidavits of one Lakshmi W/o. Nambirajan and one Rajakani, W/o. Inbaraj, who are working as Anganwadi Workers at Nanguneri Taluk, Tirunelveli District, in which, they have stated that they know the petitioner very well and they gave an assurance that the petitioner will not involve in any other offence in future. If the petitioner involves in any further offence, they will be responsible for the same and they are ready to offer sureties before the Magistrate concerned.

6. Considering the facts and circumstances of the case, the nature of offence, the fact that no one has sustained injury, the undertaking affidavit of the aforesaid persons and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. 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, Nanguneri 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 not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[c] the petitioner shall report before the trial Court daily at 10.30 a.m until further orders;

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

[e] the petitioner shall not tamper with the evidence or witness during 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 229A IPC.

sd/-

25/10/2021

/ 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
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15983 of 2021

Date :25/10/2021

SA/JM/SAR.4/25.10.2021/3P/6C