



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15815 of 2021

Mahendran ... Petitioner/Accused

Vs

The state represented by
The Inspector of Police,
Gudalur North Police Station
Theni District
Crime No.386 of 2021 ... Respondent/Complainant

For Petitioner :Mr.J.Senthil Kumaraiah,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.386 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 23.09.2021 for the offence under Sections 427, 448, 294(b) and 506(ii) I.P.C, in Crime No.386 of 2021 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that on 20.09.2021, the accused persons had broken the defacto complainant's house and threatened him with dire consequences. Hence, the complaint.

4.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous civil dispute between the parties, a false case has been foisted as against the petitioner. The petitioner is inside the prison for the past 20 days and hence, he seeks for grant of bail.



5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed. He would further submit that no one has sustained injury and the petitioner is having one previous case to his credit.

6.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that no one has sustained injury, except 506 (ii) IPC, all other offences are bailable offences and also the period of incarceration, this Court is inclined to grant bail to the petitioner with certain 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Uthamapalayam 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

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

[e] 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]**.

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

sd/-

12/10/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION, THENI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.SENTHIL KUMARAIAH.J Advocate SR.No.7185

ORDER
IN
CRL OP(MD) No.15815 of 2021
Date :12/10/2021

msa

SS/VR/SAR-II/12.10.2021 : 3P/7C