



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16250 of 2021

M.Sarathkumar ... Petitioner/Accused NO.6

Vs

The State rep.by,
The Inspector of Police
Paramakudi Town Police Station
Ramanathapuram District
In Crime No.512 of 2021.... Respondent/Complainant

For Petitioner : Mr.M.Pandian
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.512 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A6, who was arrested on 05.10.2021 for the offence under Section 399 I.P.C, in Crime No.512 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.10.2021, when the respondent police made a usual patrol near Kamuthikudi Bridge, they found that all the accused persons in this case were preparing to commit dacoity. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is in no way connected with the case and he did not participate in the preparation of dacoity. He would further submit that the petitioner is in judicial custody from 05.10.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed.



5.Considering the facts and circumstances of the case, the fact that it is only for preparation to commit the offence and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-

26/10/2021

/ 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 COURT,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, MUTHUKALATHUR.

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

+1 CC to Mr.M.PANDIAN, Advocate (SR-7436[I] dated 26/10/2021)

ORDER

IN

CRL OP(MD) No.16250 of 2021

Date :26/10/2021

MSA

MK/SKN/SAR.I/26.10.2021/3P/7C