



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

Date : 05/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15825 of 2020

Petchikutty

... Petitioner/Sole Accused

Vs

State Rep. by
The Sub Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No. 183 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Sivasubramanian.A,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Cr.No. 183 of 2020 on the file of the
respondent police.

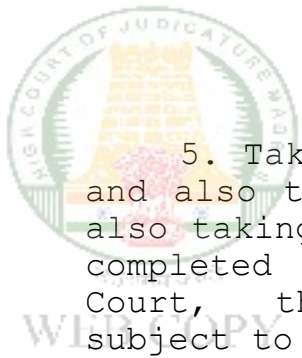
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to
judicial custody on 15.11.2020 for the offences punishable under
Sections 294(b), 387 and 506(ii) of IPC on the file of the
respondent police seeks bail.

2.The case of the prosecution is that on 14.11.2020 the
petitioner herein abused the defacto complainant using filthy
language, extorted money and also threatened him with dire
consequences.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. He would also submit that the petitioner is in jail for more
than 40 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that
the investigation in this case is completed and the final report has
been filed before the learned Judicial Magistrate No.III,
Tirunelveli and the same has been taken on file in CC.No.1147 of



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation in this case is completed and final report has been filed before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv) 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/01/2021

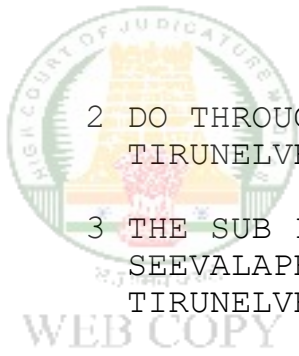
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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.III,
TIRUNELVELI.



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

ORDER
IN
CRL OP(MD) No.15825 of 2020
Date :05/01/2021

aav
JM/PN/SAR III/06.01.2021/3P/6C