



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

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16578 of 2021

Johnson

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
North Police Station,
Thoothukudi.
(Crime No.537 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.537 of 2021 on the file of the respondent police.

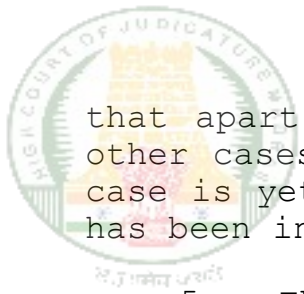
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 30.09.2021 for the alleged offence punishable under Sections 341, 294(b), 387, 307 and 506(ii) IPC in Crime No.537 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.09.2021, the petitioner waylaid the defacto complainant and demanded money from him. When it was refused by the defacto complainant, the petitioner abused him in filthy language and attempted to murder him. Hence, the complaint.

3.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. However, he is in judicial custody from 30.09.2021. He further submits that in this case, no one has been injured. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent opposed the grant of bail to the petitioner on the ground



that apart from this case, the petitioner is also involved in six other cases. He would further submit that the investigation in this case is yet to be completed. However, he fairly submits that no one has been injured in this case.

5. The learned counsel for the petitioner disputed that all the six cases are falsely foisted against the petitioner and the petitioner has not been convicted in any case. The learned counsel for the petitioner undertakes that the petitioner will not indulge in any other offence and two respectable persons also come forward to stand as sureties for the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the period of incarceration and also the fact that no one injured in this case, 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 No.III, Tuticorin and on further condition that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the petitioner shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he will not indulge in any other offence in future;

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



[g] the petitioner shall not tamper with the evidence or witness during trial;

[h] 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 is 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]**.

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

sd/-

01/11/2021

/ 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 NO.III, TUTICORIN.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI.

4 THE SUPERINTENDENT,CENTRAL JAIL,
PALAYANKOTTAI, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16578 of 2021

Date :01/11/2021

PNM/OGY

MS/VR/SAR-1/01.11.2021/3P.6C