



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16680 of 2021

1.Vignesh
2.Prasanna
3.Karthikeyan

... Petitioners/Accused Nos.2 to4

Vs

The State rep.by
The Inspector of Police,
Srirangam Police Station
Trichy District
Crime.No.845 of 2021. ... Respondent/Complainant

For Petitioners : Mr.K.SIVABALAN
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.845 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who were arrested on 10.10.2021 for the offence under Sections 392 r/w 397 I.P.C, in Crime No.845 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 08.10.2021, when the accused persons were consuming alcohol on the Kaveri Bridge, the defacto complainant requested them to give way to proceed in the bridge, for that, the first accused assaulted the defacto complainant, snatched his gold chain weighing two sovereigns and also taken away the bike. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not indulged in any kind of offence as alleged by the prosecution. They are inside the prison from 10.10.2021 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 petitioners 2 & 3/ A3 & A4 are having one previous case to their credits and there is no adverse antecedent as against the first petitioner/A2. He would further submit that the properties involved in this offence are not recovered and the investigation is yet to be completed.

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5. At this juncture, the learned counsel for the petitioners would submit that the petitioners are not professional offenders and the offences referred as against the petitioners 2 and 3/A3 and A4 are under Sections 323 and 324 I.P.C. The second petitioner/A3 is a B.Com., Graduate and he has also enclosed the identity card to that effect. He would further submit that the petitioners have realised their mistakes and the petitioners will file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offence in future.

6. Considering the facts and circumstances of the case, the nature of offence, the readiness of the petitioners to file an undertaking affidavit that they will not indulge in any other in future and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srirangam, Trichy District on further conditions that:

[a] the parents of the petitioners shall furnish sureties for the petitioners and also ensure that the petitioners will not indulge in any other offence in future and they will not consume liquor in the open place;

[b] 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;

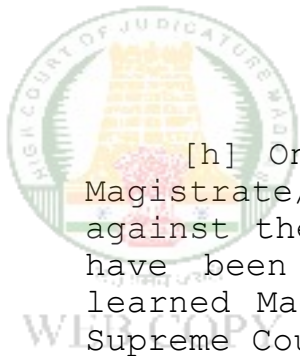
[c] The petitioners shall not misuse the liberty granted to them by this Court and if the petitioners involve in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offence in future.

[e] the first petitioner/A2 shall report before the respondent police daily at 10.30 a.m until further orders and the petitioners 2 and 3/A3 and A4 shall report before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m, until further orders.

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

[g] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/10/2021

/ 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
SRIRANGAM, TRICHY DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION
TRICHY DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.SIVABALAN K Advocate SR.No.7670

ORDER

IN

CRL OP(MD) No.16680 of 2021
Date :29/10/2021

SA/VR/SAR.2/29.10.2021/3P/7C