



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16834 of 2021

V.Vivek

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Cantonment Crime Police Station,
Trichy City.
(Crime No. 101 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.RAMAKRISHNAN,
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.101 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.10.2021 for the offence punishable under Section 395 and r/w 397 of IPC, in Crime No.101 of 2020, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant's car and threatened the defacto complainant with gun point and snatched the cell phone of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would also submit that the petitioner is not having any previous case and also would submit that the co-accused was arrested and thereafter released on bail by the Sessions Court. He would further submit that the petitioner is in judicial custody from 09.10.2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner threatened the defacto

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complainant with gun point and also snatched the cell phone from the defacto complainant. He would further submit that the petitioner is not having any previous case for similar or serious offence.

5.Considering the facts that the petitioner is in judicial custody from 09.10.2021, that the co-accused was already released on bail by the Sessions Court and that the petitioner is not having any previous case for similar or serious offence as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, 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 Court No.II, Trichy, and on further conditions that;

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 report before the respondent Police daily at 10.30 a.m for a period of one month thereafter, as and when required.

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

iv)the petitioner shall not abscond during trial.

v)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].

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

sd/-

16/11/2021

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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 NO.II,
TRICHY.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
CANTONMENT CRIME POLICE STATION,
TRICHY CITY

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

ORDER

IN

CRL OP(MD) No.16834 of 2021

Date :16/11/2021

SA/VR/SAR.1/16.11.2021/3P/6C