



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.16901 of 2021

1. Maheen
2. Vijayakumar

... Petitioners/Accused Nos.2 & 3

Vs

The State Rep.by
The Inspector of Police,
Thuckalay Police Station,
Nagercoil, Kanyakumari District.
(Crime No.666/2021)

... Respondent/Complainant

For Petitioners: Mr.A.Mohamed Haneef,
Advocate.

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

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

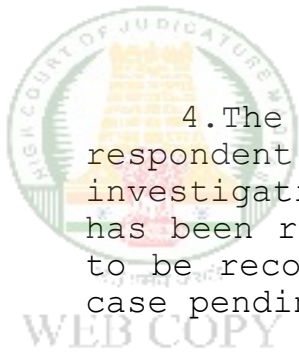
PRAYER :- For Bail in Crime No.666 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who were arrested on 20.09.2021 for the offence under Sections 420 & 506(ii) of IPC, in Crime No.666 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first petitioner induced the defacto complainant that if he gives a sum of Rs.1,00,000/- in 500 rupees notes, the first accused will give a sum of Rs.12,00,000/- in 2000 rupees note. On 09.09.2021, the defacto complainant arranged the amount and gave the same to the first accused. However, on receipt of the above said amount, the first accused threatened the defacto complainant and ran away with the money in the car. 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 20.09.2021 and hence, he seeks for grant of



4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is yet to be completed, only a sum of Rs.4,00,000/- has been recovered from the accused and the remaining amount is yet to be recovered. He would further submit that there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case, the nature of offence, antecedents of the petitioners, recovery of partial amount and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.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.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram, on further conditions that:

[a] the sureties shall affix their photograph 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 petitioners shall appear before the respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

[c] the petitioners 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 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL.
4. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.A.MOHAMED HANEEF, Advocate (SR-7747[I] dated 01/11/2021)

ORDER

IN

CRL OP(MD) No.16901 of 2021

Date :01/11/2021

SSB

MS/SKN/SAR-1/01.11.2021/3P.7C