



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2021

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PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.17658 of 2021

Ashok @ Ashokkumar

... Petitioner/Accused No.4

Vs.

The State rep.by,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.739 of 2021)

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.739 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 24.09.2021, for the offence punishable under Sections 399 IPC, in Crime No.739 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2021, the respondent police, while patrolling at Pattinamkathan, near ECR Bridge, found that the petitioner along with others made preparation for decoity.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 24.09.2021 and hence, he seeks for grant bail.

4.The learned Additional Public Prosecutor submitted that this is the second bail application. The petitioner is having four previous cases. Out of which, one case was disposed of. He further submitted that in cases A1, A2, A6 were already granted bail by the Sessions



Court in Cr.M.P.No.2533 of 2021, dated 01.11.2021 and A7 has granted bail by this Court in CrI.O.P(MD)No.16102 of 2021, dated 10.11.2021.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 24.09.2021 and that the co-accused have already been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 No.II, Ramanathapuram, and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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]**.

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

sd/-

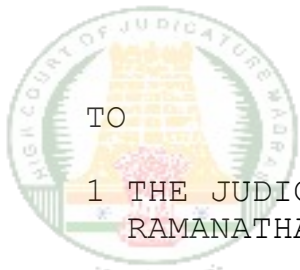
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 NO.II,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.17658 of 2021
Date :15/11/2021

vsd
MK/VR/SAR.IV/15.11.2021/3P/6C