



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

Date : 02/12/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.18308 of 2021

1. MURUGAN @ VALTER MURUGAN
2. RAJA @ ROCKET RAJA @ ILAIYARAJA ... PETITIONERS/ACCUSED NO.1&2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.682/2021). ... RESPONDENT/COMPLAINANT

For Petitioners : Mr.Vishnuram G,
Advocate.
For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 682 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

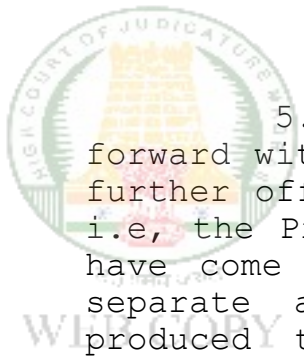
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who were arrested on 23.09.2021 for the alleged offence punishable under Sections 341, 294(b), 392 and 397 IPC, in Crime No.682 of 2021, on the file of the respondent police, seek bail.

3.The case of the prosecution is that on 23.09.2021, the petitioners waylaid the defacto complainant and his son and robbed a sum of Rs.500/- at knife point. Hence, the complaint.

4.This petitioner already moved anticipatory bail, which came to be dismissed on 25.10.2021, considering the antecedents of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>



5. Now, the learned counsel for the petitioner has come forward with the ground that the petitioner will not involve in any further offence and for ensuring the same, two responsible persons, i.e., the Presidents of Narayanapuram Panchayat and Pasumpon village have come forward to stand as sureties and they have also filed separate affidavits to that effect. The learned counsel also produced the affidavits of Chitra, President of Narayanapuram Panchayat and Ramakrishnan, President of Pasumpon Panchayat. In their affidavits, they have stated that they know the petitioner very well and they will ensure that this petitioner will not be involved in any offence in future and they are also prepared to stand as sureties before the concerned Judicial Magistrate Court.

6. Taking into consideration the period of incarceration and the fact that two responsible persons, the Presidents of Narayanapuram Panchayat and Pasumpon Panchayat have filed affidavits stating that they will ensure that the petitioner will not involve in any offence in future and also taking into consideration of the change of circumstances, this Court is inclined to grant bail to the petitioners, 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 Court, Kamuthi and on further conditions that:

[a] the two sureties shall be Ms. Chitra, President of Narayanapuram Panchayat and Mr. Ramakrishnan, President of Pasumpon Panchayat, who filed affidavits before this Court shall file separate affidavits before the Judicial Magistrate Court, Kamuthi and also to file similar affidavits before the concerned police station that they will ensure that the petitioner is not involved in any further offence.

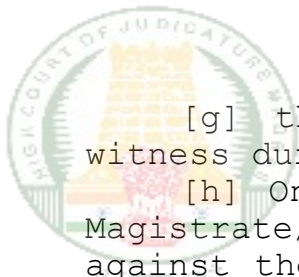
[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioners shall not misuse the liberty granted to them by this Court and if the petitioners are 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the petitioners 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 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 are 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/-
02/12/2021

/ 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,
KAMUTHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.18308 of 2021
Date :02/12/2021

vrn

USK/PN/SAR-II/ (02.12.2021) 3P-6C

<https://hcservices.ecourts.gov.in/hcservices/>