



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) . Nos.17787 and 17788 of 2021

Solairaj @ Suresh

... Petitioner/Accsed No.8
in Crl.O.P(MD).NO.17787 of 2021

Tamilzharasan @ Kanthan

... Petitioner/Accused No.7
in Crl.O.P(MD).No.17788 of 2021

Vs

The State rep.by
The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
Cr.No.246 of 2021.

... Respondent/Complainant
In Both Crl.O.Ps

IN BOTH CRL.O.Ps

For Petitioner	: M/s.MUTHUMANI S, Advocate.
For Respondent	: Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor

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

COMMON PRAYER :-

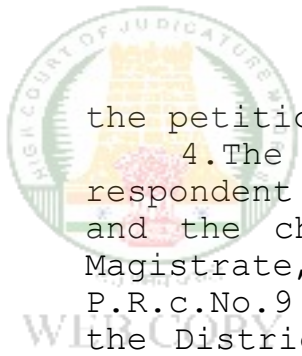
For Bail in Crime No.246 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 27.06.2021 for the offence punishable under Section 399 of IPC in Crime No.246 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that on 27.06.2021, when the defacto complainant made a routine vehicle check up, at that time, the petitioners along with other accused unlawfully assembled with weapon and made a preparation for decoity. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners were detained under Section 14 of Goondas Act on 27.07.2021 and the same was revoked by the Advisory Board, Chennai in G.O.R.T.No.5003 dated 28.10.2021. He would further submit that



the petitioners are in judicial custody from 27.06.2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and the charge sheet was also filed before the learned Judicial Magistrate, Mudhukulathur and the same was taken on file in P.R.c.No.9 of 2021 and that subsequently, the case was committed to the District Sessions Court, Ramanathapuram and the same was taken on file as S.C.No.155 of 2021.

5.Considering the facts and circumstances of the case and also the facts that the trial is pending before the District Sessions Judge, Ramanathapuram in S.C.No.155 of 2021 and that the petitioners are in judicial custody from 27.06.2021, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, 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, Mudhukulathur 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 petitioners shall report before the learned District Sessions Judge, Ramanathapuram daily at 10.30 a.m for a period of one month, thereafter, as and when required.

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

iv)the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/11/2021

/ TRUE COPY /

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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



TO

1 THE JUDICIAL MAGISTRATE
MUDHUKULATHUR.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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

COPY TO:

THE DISTRICT SESSIONS JUDGE,
RAMANATHAPURAM

+1. CC to M/S.S.MUTHUMANI, Advocate SR.No.8086(Crl OP(MD) .
17788/2021)

+1. CC to M/S.S.MUTHUMANI, Advocate SR.No.8087(Crl OP(MD) .
17787/2021)

ORDER

IN

CRL OP(MD) . Nos.17787 and 17788 of 2021
Date :16/11/2021

SA/PN/SAR.2/16.11.2021/3P/9C