



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

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17939 of 2021

Ponraj

...Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(In Crime No.548 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Balaji A,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Public Prosecutor

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

PRAYER :- For Bail in Crime No.548 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 02.10.2021 for the offence punishable under Sections 392, 387, 506 (2) IPC @ 395, 387, 506 (2), 120(B) and 34 IPC, in Crime No.548 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.09.2021, the defacto complainant and his driver were travelling from Kovilpatti to Tirunelveli in the National Highway. At that time, the defacto complainant got down from the car for attending natural call. At that time, the petitioner and the other accused threatened the driver and the defacto complainant by showing knife and kidnapped the defacto complainant and demanded Rs.1 Crore & 40 Sovereigns of gold jewels over phone. Finally they robbed 31 ½ sovereigns of gold jewels and a cash of Rs.12,20,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence



as alleged by the prosecution. He would also submit that the petitioner is not having any previous case and only on the basis of the confession statement given by the co-accused, this petitioner was implicated in this case and hence, he seeks bail.

4.The learned Government Advocate (Crl.Side) would submit that A1, A3 & A6 were already detained under 'Goondas Act'. He would further submit that the properties alleged to have robbed by the petitioner were already recovered and no previous case is pending as against the petitioner.

5.Considering the facts and circumstances of the case and considering the facts the petitioner is in judicial custody from 02.10.2021, that the petitioner is not having any previous case for similar or serious offence as stated by the learned Additional Public Prosecutor and that the properties alleged to have robbed by the petitioner were already recovered, 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 No.II, Kovilpatti.

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 until further orders.

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 229 IPC.

sd/-

29/11/2021

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/ /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.II,
KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
KOVILPATTI.
4. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17939 of 2021

Date :29/11/2021

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