



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

Date : 03.12.2021

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.19088 of 2021

WEB COPY

Prem kumar

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Kumbakonam West Police Station,  
Thanjavur District.  
(Crime No.1216 of 2021)

... Respondent/Complainant

For Petitioner : M/s.B.Dhinesh Kumar  
Advocate.

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

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

PRAYER :-

For Bail in Crime No.1216 of 2021 on the file of the respondent Police.

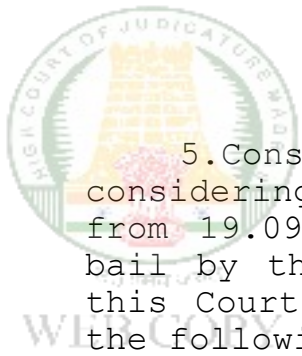
ORDER : The Court made the following order :-

The petitioner/1<sup>st</sup> accused, who was arrested and remanded to judicial custody on 19.09.2021 for the offences punishable under Sections 294(b), 392, 397 and 506(ii) IPC in Crime No.1216 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.09.2021, the defacto complainant was coming in a bicycle, at the time, the petitioner and another accused robbed a sum of Rs.1,600/- and a cell phone from the defacto complainant at knife point and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that the co-accused has already been granted bail by this Court in Crl.O.P.(MD)No.16942 of 2021 on 01.11.2021 and that the petitioner is in judicial custody from 19.09.2021.

4.The learned Additional Public Prosecutor for the respondent police would submit that apart from this case, five previous cases are pending against the petitioner and that the investigation is yet



5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 19.09.2021 and that the co-accused has already been granted bail by this Court in Crl.O.P.(MD)No.16942 of 2021 on 01.11.2021, this Court is inclined to grant bail to the petitioner subject to the following 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 Court No.I, Kumbakonam.

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 229A IPC.

sd/-  
03/12/2021

/ 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 Court No.I,  
Kumbakonam.
- 2.Do Through The Chief Judicial Magistrate,  
Thanjavur @ Kumbakonam.
- 3.The Superintendent,  
District Jail, Pudukkottai.
- 4.The Inspector of Police,  
Kumbakonam West Police Station,  
Thanjavur District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN  
CRL OP(MD) No.19088 of 2021  
Date :03/12/2021

**RS/PN/SAR3 (03.12.2021) 3P 6C**