



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.12.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19876 of 2021

Jothibaskaran

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
(Crime No.270 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.MAHALAKSHMI
Advocate.

For Respondent : Mr.RMS.SETHURAMAN
Additional Public Prosecutor

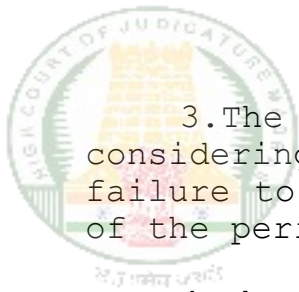
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 270 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2021 for the offences punishable under Sections 468, 409 and 477A IPC in Crime No.270 of 2020, on the file of the respondent police, seeks bail.

2.It is evident from the records that this Court, in Crl.O.P. (MD)No.6939 of 2020 dated 28.09.2021, by recording the willingness of the petitioner that he was ready to deposit the amount of Rs.28,00,000/-, directed the petitioner to deposit a sum of Rs.10,00,000/- to the credit of Crime No.270 of 2020 before the learned Judicial Magistrate, Tenkasi on or before 22.07.2020 and further directed to deposit the remaining amount of Rs.18,00,000/- on or before 07.09.2020. It is further evident that the petitioner as directed by this Court has deposited a sum of Rs.10,00,000/- within the stipulated time, but for the payment of the balance amount, time was extended at the instance of the petitioner. Thereafter, since the petitioner has failed to deposit the remaining amount as directed by this Court, the petition was ordered to be dismissed. This Court further directed the Superintendent of Police to secure the petitioner and report before this Court. In pursuance of the said order, the petitioner was arrested on 25.10.2021.



3.The earlier bail application in Crl.O.P.(MD)No.18069 of 2021, considering the facts and circumstances, and the petitioner's failure to comply with the directions of this Court and taking note of the period of incarceration, was dismissed on 18.11.2021.

4.When the matter is taken up for hearing today, the learned counsel for the petitioner has produced the affidavit sworn by the petitioner in the presence of the Additional Superintendent of Prisons, Central Prison, Palayamkottai, undertaking to deposit the remaining amount Rs.18,00,000/- as per the order of this Court within a period of three months in two installments from the date of receipt of a copy of this order. The relevant portion of the undertaking given by the petitioner is extracted hereunder:-

"I respectfully submit that on showing my bonafide reasons, I sworn this affidavit to deposit the remaining amount of Rs.18,00,000/- as per the order of the Honorable Court in Crl.O.P.(MD)No.6939 of 2020 dated 15.07.2020, on or before 3 months (i.e.16.03.2022) in two installments i.e., from the date of receipt of order of this Honorable Court in this Criminal Original Petition. I respectfully submit that I understand that I am fully responsible for the contents of this undertaking and its truthfulness. In case of any information emerging disproving any of the contents of this undertaking, my bail application will be liable to be dismissed and I crave leave of this Honorable Court to treat the undertaking affidavit as part and parcel of the bail application. In these circumstances if the undertaking affidavit is not accepted by this Honorable Court I will be put to great hardship and irreparable loss."

5.The learned Additional Public Prosecutor would submit that this Court by recording the undertaking given by the petitioner may fix a time limit to deposit the balance amount.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 25.10.2021 and also taking note of the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.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, Tenkasi.

(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 comply with the undertaking given by him in the affidavit dated 15.12.2021 within a period of three months from the date of receipt of a copy of this order.

(iv)the petitioner shall not tamper with evidence or witness.

(v)the petitioner shall not abscond during trial.

(vi)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].

(vii)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/12/2021

/ 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, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER IN

CRL OP(MD) No.19876 of 2021

Date :16/12/2021

SA/VR/SAR.3/16.12.2021/3P/6C