



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.10535 of 2022

V.Jayasurya@Ragul

... Petitioner

Versus

State rep by
The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore.
Cr.No.238 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.238 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.04.2022 for the offences punishable under Sections 341, 294 (b) and 397 IPC in Crime No.238 of 2022 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that when the defacto complainant return back to his home, the petitioner and another threatened him and took money of Rs.900/- from his pocket at knife point and the petitioner ran away from the scene of occurrence. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence as alleged by the prosecution and a false case has been foisted against the petitioner. Further he would submit that he filed bail application before the learned Principal District and Sessions Judge, Cuddalore, which was dismissed on 29.04.2022. The petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for the release on bail. Hence, he would pray for grant of bail.



4 The learned Additional Public Prosecutor appearing for the respondent raised strong objection stating that the petitioner, at knife point, took Rs.900/- from the defacto complainant and also threatened with dire consequences. Further, since the petitioner used the money for consuming alcohol, they could not recover the money and there are four previous cases against the petitioner.

5 Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials placed on record.

6 The learned Additional Public Prosecutor stated that the petitioner at knife point took money from the defacto complainant and since he consumed alcohol using the money, they could not recover the money and he was also produced before the Medical Officer. But, the fact remains that the medical report does not reveal that the petitioner consumed alcohol and therefore the reasons stated by the prosecution has not been substantiated with the medical evidence. Further, the respondent police have not examined any person, from whom the petitioner purchased the alcohol and also there is no particulars about the previous cases against the petitioner. Hence, considering the above facts and also considering the period of incarceration undergone 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 District Munsif-cum-Judicial Magistrate, Neyveli, and on further conditions that:-

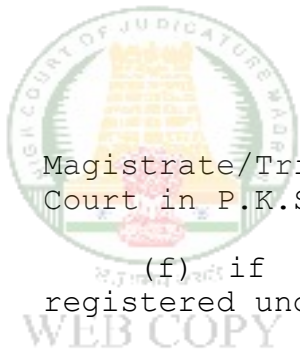
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned Judicial Magistrate - I, Cuddalore, on every Monday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
CUDDALORE.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

4 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE.

5 THE INSPECTOR OF POLICE
MANDHARAKUPPAM POLICE STATION,
CUDDALORE.

6 THE SUPERINTENDENT
CENTRAL PRISON, CUDDALORE.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.PRAKARAN Advocate on payment of necessary charges
SR.No.6732

CRL OP.10535/2022

Date :05/05/2022

CSK 05/05/2022