



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

Date : 20/01/2022

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.869 of 2022

Vijay,

...Petitioner/Accused No.2

Vs

The State Rep. by,
The Sub Inspector of Police,
Kollidam Police Station,
Trichy District.
Cr.No.402 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

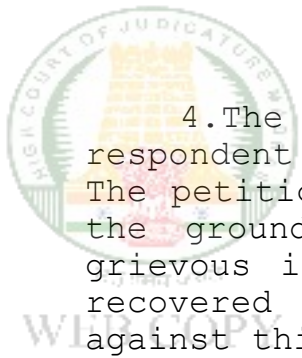
For Bail in Crime No.402 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 13.12.2021 for the offence punishable under Sections 392 r/w 397 of IPC, in Crime No.402 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.12.2021, at about 00.30 hours, three persons aged about 20 years came in a TVS 100 two wheeler and voluntarily provided lift to the defacto complainant and threatened him by showing knife and had taken away his Lava Button Phone worth about Rs.1,400/- and cash of Rs.2,800/- and also assaulted him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks for grant bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application was dismissed by this Court on the ground that the offence alleged against the petitioner is grievous in nature. He further submitted that the properties were recovered by the police from A1 and no previous case is pending against this petitioner.

5.Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and no previous case is pending against him, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Srirangam, Tiruchirappalli, 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 respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



vsd

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM
TIRUCHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI.
- 3 THE SUB INSPECTOR OF POLICE
KOLLIDAM POLICE STATION, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.869 of 2022
Date :20/01/2022

PKP/JM/SAR-4/20.01.2022/3P/6C