



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2224 of 2022

Arun

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.12/2022).

... Respondent/Complainant

For Petitioner : M/s.JEGADEESH PANDIAN.M,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.12/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 08.01.2022 for the alleged offence under Sections 392, 397, 506(ii) IPC in Crime No.12 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.01.2022, when the de-facto complainant was waiting in the shop, the petitioner threatened and demanded money from the *defacto* complainant. The *defacto* complainant refused to give the amount and at that time, the accused threatened him and robbed sum of Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that Cr.No.8 of 2022 was registered for the offences under Sections 147, 148, 341, 294(b), 324, 506(2), 307 IPC, the petitioner was ranked as accused no.5 and in order to detain all the accused, the respondent had chosen to register a false case against all the accused one after another, with respect to other accused, another case was registered in Cr.No.13 of 2022. The petitioner is in custody from 08.01.2022. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner robbed amount from the *defacto* complainant by showing aruval, that the petitioner is not having any previous case at his credit and that the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital, that the petitioner is not having any previous case for the property offence or for any serious offence, and that the petitioner is in judicial custody from 08.01.2022, this Court is not inclined to grant bail to the petitioner.

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, Mudukulathur, and on further condition 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 one month and thereafter, as and when required for interrogation.

[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/-

07/02/2022

/ TRUE COPY /

08/02/2022

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
MUDUKULATHUR, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON,
RAMNATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2224 of 2022

Date :07/02/2022

SA/VR/SAR.4/08.02.2022/3P/6C