



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

Date : 09.02.2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2825 of 2022

Varun

... Petitioner/Accused No.1

Vs

State represented by,
The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
(Crime No.52 of 2022).

... Respondent/Complainant

For Petitioner : Mr.T.A.Ebenezer, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.52 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 294 (b), 392 r/w 397 and 506(2) IPC, in Crime No.52 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused threatened the defacto complainant with knife point and robbed a sum of Rs.1,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has filed a petition under Section 397(1) Cr.P.C. to suspend the sentence till the disposal of the Criminal Revision in Crl.R.C.No.17 of 2022 and the learned 1st Additional District and Sessions Judge (PCR), Tiruchirappalli, vide order dated 07.02.2022, has granted the interim order of suspension of the sentence imposed by the Executive Magistrate cum Deputy Commissioner of Police (Law and Order), Tiruchirappalli, in M.C.No.1162 of 2021 dated 29.01.2022.



4.The learned Additional Public Prosecutor would submit that the petitioner is having three previous cases.

5.Considering the above and also the facts that the petitioner is in judicial custody from 21.01.2022 and that the petitioner is having three previous cases not relating to serious offence, 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 No.IV, Trichy.

(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 for a period of thirty (30) days and thereafter, as and when required for interrogation;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/02/2022

/ TRUE COPY /

/ /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



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2825 of 2022
Date :09/02/2022

USK/MS/SAR-I/10.02.2022/3P/6C