



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3427 of 2022

Dinakaran

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramnad District.
(Crime No. 28/2022).

... Respondent/Complainant

For Petitioner : M/s.SENTHI.D,
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.28 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 08.02.2022 for the offences punishable under Section 398 of IPC and Sections 25(1)(a) and 27(1) of the Arms Act, 1959 in Crime No.28 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.02.2022 at about 03.00 a.m., the respondent police made a vehicle check up at Kaliyadiyenthal River bed and found that the petitioner along with other accused illegally possessed with deadly weapons and made a preparation for dacoity on the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the petitioner is having one previous case under the Mines and Minerals Act and he is not having any previous case for similar or serious offence.



5.Considering the nature of the offences alleged and also the facts that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 08.02.2022, 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 Court, Paramakudi.

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 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/02/2022

/ TRUE COPY /

18/02/2022

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.

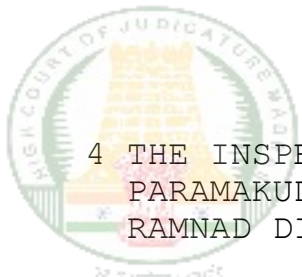
TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PARAMAKUDI.

<https://hcservices.ecourts.gov.in/hcservices/>



4 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMNAD DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3427 of 2022

Date :18/02/2022

SA/PN/SAR.2/18.02.2022/3P/6C