



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No. 4153 of 2022

M.Karthikeyan

: Petitioner/A3

Vs

The state represented by
The Inspector of Police,
G.H. Police Station,
Trichy City.
(Crime No. 571 of 2021).

: Respondent/Complainant

For Petitioner : M/s.Subramani.N.,
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.571 of 2021, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 10.12.2021 for the offence punishable under Sections 394 r/w 397 IPC, in Crime No.571 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.12.2021 at about 03.20 am., the petitioner and other accused waylaid the defacto complainant and snatched his mobile phone. When the defacto complainant chased them, they have attacked him and throwing stones on his head and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is having two previous cases for similar offence.

5.The learned counsel for the petitioner would submit that the petitioner was falsely implicated in the above three cases, that he was arrested on 10.12.2021, and thereafter, he was implicated in the other two cases and he was formally arrested and then remanded to judicial custody.



6. Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is in judicial custody from 10.12.2021, this Court is inclined to grant bail to the petitioner.

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 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 G.H. Police Station, Trichy, 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/-

03/03/2022

/ TRUE COPY /

04/03/2022

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

DAS

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 NO.II
TIRUCHIRAPPALLI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.



4 THE INSPECTOR OF POLICE
G.H. POLICE STATION, TRICHY CITY

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

+1. CC to M/S.SUBRAMANI.N. Advocate SR.No.1667

ORDER

IN

CRL OP(MD) No.4153 of 2022

Date :03/03/2022

SS/SBN/SAR-I/04.03.2022 : 3P/7C