



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

Date : 08/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4446 of 2022

Chithraaisamy @ Chithan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Cr.No.87/2022).

... Respondent/Complainant

For Petitioner : M/s. Kabilan V,
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.87 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Sections 341, 294(b), 392 and 397 of IPC, in Crime No.87 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner waylaid the de-facto complainant and robbed a sum of Rs.2,000 at knife point, abused him in filthy language and criminally intimidated him. 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.

4.The learned Additional Public Prosecutor would submit that the petitioner is having five previous cases, which includes, two cases under 307 IPC and other three cases under TNPPDL Act.



5.At this juncture, the learned counsel for the petitioner would submit that the said two cases were registered in the year 2014 and in other three cases, the petitioner was implicated as he had participated in the Gurupoojai rally.

6.The learned Additional Public Prosecutor would further submit that the petitioner is not having any previous case for similar or for any other property offence.

7.Considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 24.02.2022 and that the petitioner is not having any previous case for similar or for any other property offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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, Kamuthi.

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

sd/-
08/03/2022

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
KAMUTHI.

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

3. THE OFFICER-INCHARGE,
SUB JAIL, PARAMAKUDI.

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

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

+1 CC to M/s.V.KABILAN, Advocate (SR-1779[I] dated 08/03/2022)

ORDER

IN

CRL OP(MD) No.4446 of 2022

Date :08/03/2022

USK/VR/SAR-IV/08.03.2022/3P/7C