



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

Date : 16/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4452 of 2022

V.Elankutti @ Elavarasan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(In Crime No.71/2022)

... Respondent/Complainant

For Petitioner : M/S.S.Malaikani,
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.71 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 15.02.2022 for the offences punishable under
Section 392 r/w 397 of IPC, in Crime No.71 of 2022, on the file of
the respondent police, seeks bail.

2.The case of the prosecution is that on 15.02.2022 at about
11.00 a.m, when the de-facto complainant was in his shop, the
petitioner came there and threatened the de-facto complainant with
knife and extorted a sum of Rs.700/- from 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 Government Advocate (Crl. side) would submit that
the petitioner is having five previous cases, including two cases
for the offence under Section 307 IPC. He would further submit that
the stolen property has been recovered.



5.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 15.02.2022 and that the property has been recovered, 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.5, 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 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/-

16/03/2022

/ TRUE COPY /

16/03/2022

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 NO.5
TRICHY.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-2071[I] dated 16/03/2022)

ORDER
IN
CRL OP(MD) No.4452 of 2022
Date :16/03/2022

SJI
MK/PN/SAR.III/16.03.2022/3P/7C