



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5212 of 2022

Chidambaram (Kutty)

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Ammappettai Police Station,
Thanjavur District.
(Crime No.149 of 2022).

... Respondent/Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel
for Mr.K.PRABHU, Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor.

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

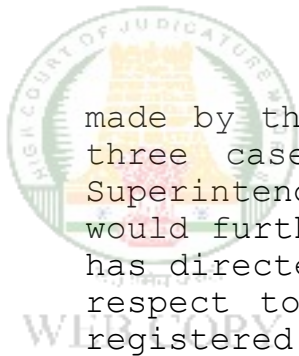
PRAYER :- For Bail in Crime No.149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 05.03.2022 for the offences punishable under Section 392 IPC and Section 25(1A) Arms Act, in Crime No.149 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner asked money from the defacto complainant and when the defacto complainant refused to give money, the petitioner threatened the defacto complainant by using Aruval and robbed cash of Rs.1,000/- from him. Hence, the complaint.

3.The learned Senior counsel for the petitioner would submit that since the petitioner was involved in the offence registered under Mines and Minerals (Development and Regulation) Act, he was detained under the TN Act 14 of 1982, that subsequently the detention order was quashed by this Court and he came out from jail on 30.06.2021 and on the very next day, Kumbakonam West Police has registered two cases and Ammapettai Police has registered one case for the offence under NDPS Act and that when the petitioner has moved for anticipatory bail, this Court, considering the submission



made by the learned Senior counsel for the petitioner that all the three cases were registered on the same day, has directed the Superintendent of Police, Thanjavur District, to file a report. He would further submit that the matter is still pending and this Court has directed the respondent police not to arrest the petitioner with respect to the said three cases. Meanwhile, Ammapettai Police has registered the present case alleging that the petitioner had robbed a sum of Rs.1,000/- from the defacto complainant by using Aruval.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 39 previous cases from 1999 onwards, which includes the above referred three cases registered under NDPS Act and 12 cases under Mines and Minerals (Development and Regulation) Act.

5.Considering the above facts and also the facts that no one was injured in the incident, that the property has been recovered and that the petitioner is in judicial custody from 05.03.2022, 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, Paapanasam.

(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., 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/-

23/03/2022

/ TRUE COPY /

23/03/2022

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
PAAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, PAAPANASAM,
THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRABHU.K, Advocate SR.No.2401

ORDER

IN

CRL OP(MD) No.5212 of 2022

Date :23/03/2022

SA/PN/SAR.4/23.03.2022/3P/7 C