



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

Date : 28/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.7892 and 7893 of 2022

Kaleeshwaran

... Petitioner/Accused No.4
in Crl.O.P.(MD)No.7892 of 2022

Pazhanikumar

... Petitioner/Accused No.5
in Crl.O.P.(MD)No.7893 of 2022

Vs

The State Rep. By,
The Inspector of Police,
Thankachimadam Police Station,
Ramanathapuram District,
Crime No.33 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Rameshkumar D,
Advocate.

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

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

COMMON PRAYER :-

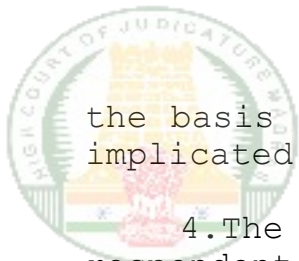
For Bail in Crime No.33 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A4 and A5, who were arrested and remanded to judicial custody on 16.03.2022 for the offences punishable under Sections 363 r/w 397 of IPC in Crime No.33 of 2022 respectively, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner and other accused have abducted the de-facto complainant and transferred Rs.20,000/- from his bank account and also robbed 1 ½ soveriegn of gold chain and one Samsung Mobile phone. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that only on



the basis of the confession of the co-accused, the petitioners were implicated as accused in the said case.

4.The learned Government Advocate (Crl. side) for the respondent would submit that the respondent police had taken steps to detain the petitioner under Act-14 of Goondas Act and that the detention order will be signed today.

5.The learned counsel for the petitioners would submit that during the enquiry of the bail petitions before the Principal District and Sessions Court, Ramanathapuram, the learned Public Prosecutor of that Court represented that the steps have been taken to initiate detention order proceedings against the petitioners under Section 14 of the Goondas Act.

6.As rightly pointed out by the learned counsel for the petitioners, the learned Principal District and Sessions Judge has also recorded the said submission made by the prosecution in the dismissal order. As already pointed out, even according to the prosecution, detention order is not yet passed.

7.Considering the above facts and circumstances of the case and also taking note of the fact that the petitioners are in judicial custody from 16.03.2022 and also the fact that part of the properties have been recovered, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of Crime No.33 of 2022 before the learned Judicial Magistrate, Rameswaram, without prejudice to their rights and contentions.

9.On such deposit, the petitioners are ordered to be released on bail on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameswaram, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

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(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/04/2022

/ TRUE COPY /

28/04/2022
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, RAMESHWARAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
THANKACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD). Nos.7892 and
7893 of 2022
Date : 28/04/2022

sjj
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