



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17702 of 2022

WEB COPY

Jeyaprabu

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No. 252 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Iyyapparaj C,
Advocate.

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

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

PRAYER :-

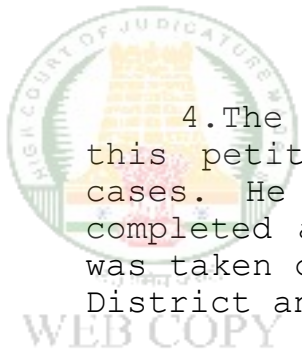
For Bail in Crime No. 252 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 19.08.2022 for the offences punishable under Sections 195(A) and 506(i) IPC, in crime No.252 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is an accused in Crime No.147 of 2022 and in that case, the de-facto complainant as a second witness. Due to which, on 18.07.2022, the de-facto complainant went to Law College through the Government Bus, the petitioner was already present in that bus, taken photos of the de-facto complainant and shown the same to the nearby seated persons. Noting the above said incident, the de-facto complainant informed the same to the SP CID Police. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that on 17.06.2022, the petitioner gave a complaint against the de-facto complainant before the Cumbum North Police Station and after enquiry, the complaint was closed. Due to the said motive, the present case has been lodged. Hence, he may be granted bail.



4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that the petitioner is having 11 previous cases. He would further submit that the investigation has been completed and the charge sheet has already been filed and the same was taken on file in S.C.No.12 of 2022 before the learned Additional District and Sessions Judge (FTC), Theni.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the case was taken on file as S.C.No.12 of 2022 before the learned Additional District and Sessions Judge (FTC), Theni, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

(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 trial Court on all hearing dates without fail;

(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].

7.Further, the learned Additional District and Sessions Judge (FTC), Theni, is directed to complete the trial in S.C.No.12 of 2022 and dispose of the case, within a period of three months from the date of receipt of a copy of this order.

sd/-
12/10/2022

/ TRUE COPY /

17/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
THENI.

2. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

4. THE OFFICER-INCHARGE,
DISTRICT JAIL, THENI.

5. THE SUB INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.C.IYYAPPARAJ, Advocate (SR-11382[I] dated 14/10/2022)

ORDER

IN

CRL OP(MD) No.17702 of 2022

Date :12/10/2022

SJI

USK/SBN/SAR- /17.10.2022/3P/8C