



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2423 of 2023

Sivakumar

... Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Cr.No.409 of 2022)

... Respondent/Complainant

For Petitioner	: Mr.B.Thangamani, Advocate
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.409 of 2022 on the file of the Respondent Police.

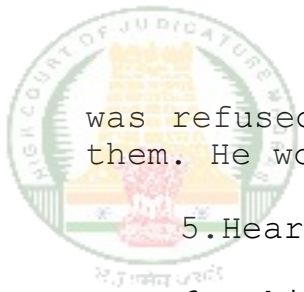
ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.12.2022 for the offences punishable under Sections 294 (b) and 506(ii) of IPC and Sections 3(2)(b), 4(2)(c) of ITP Act in Crime No.409 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that when the de-facto complainant standing near the bus stop along with his friends, the accused persons have invited the de-facto complainant for prostitution and when the same was refused by him, they had used to filthy language and threatened them. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would pray for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit when the de-facto complainant standing near the bus stop along with his friends, the accused persons have invited the de-facto complainant for prostitution and when the same



was refused by him, they had used to filthy language and threatened them. He would oppose to grant bail to the petitioner.

5. Heard. Perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 29.12.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 pm until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

sd/-

07/02/2023

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07/02/2023

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

cmr

To

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.



3 THE INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, THENI.

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

+1 CC TO MR.B.THANGAMANI, Advocate (SR-2070[I] dated 09.02.2023)

ORDER

IN

CRL OP (MD) No.2423 of 2023

Date :07/02/2023

RS/SSS/SAR.(07.02.2023) 3P-7C