



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6092 of 2023

Gowthampandi ... Petitioner/Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

Crime No.35 of 2023.. ... Respondent/Respondent/Complainant

For Petitioner : M/s.Vaigunth A.S.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.35 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 11.02.2023 for the offences under sections 354(A)(1)(i), 395 of IPC r/w.section 4 of TNPHW Act in Crime No.35 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant is the person who has sent north Indian labourers to the work and one Hemalal was working under the defacto complainant. On 10.02.2023 at about 8.30 pm., the petitioner herein along with other accused went to the house of Hemalal and knocked the door and when the said Hemalal opened the door the accused persons pulled the hands of his wife, threatened them and also took the cash of Rs.2300/- from the pocket of Hemalal and cell phone worth about Rs.3000/-, hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the earlier petition was dismissed on 06.03.2023 in CrI.O.P(MD) No.4099 of 2023 on the ground that there is proposal to detain the petitioner under Act.14 of 1982 and so far the respondent has not taken any steps to detain the petitioner under Act. 14 of 1982. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Sattur and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 5.30P.M., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/03/2023

/ TRUE COPY /

31/03/2023

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



1 THE JUDICIAL MAGISTRATE NO.II
SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, ARUPPUKOTTAI.

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

+1. CC to M/S.VAIGUNTH A.S. Advocate SR.No.5296(I)

ORDER
IN
CRL OP(MD) No.6092 of 2023
Date :31/03/2023

SA/MMS/SAR /31/03/2023/3P/7C