



CRL OP(MD).No.4964 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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M.Selvam

... Petitioner/ A3

Vs

The Inspector of Police,
Kayathar Police Station,
Thoothukudi.
Crime No.548/2021

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused No.3 on bail in connection with S.C.No.37 of 2022, on the file of the learned I Additional District and Sessions Judge, Thoothukudi, in Crime No.548 of 2021 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/accused No.3, who is facing trial for the offence punishable under Sections 387, 506(ii), 395, 120(B), 34 and 364(A) IPC in S.C.No.37 of 2022, on the file of the learned I Additional District and Sessions Judge, Thoothukudi, in Crime No.548 of 2021, seeks bail.

2. The case of the prosecution is that on 09.09.2021, the petitioner and the other accused persons kidnapped the defacto complainant and received money from his father to the tune of Rs.12,00,000/- and snatched the gold chain worth about Rs.14,00,000/-. Hence, a case in Crime No.548 of 2021 was registered and after completion of investigation, the respondent Police filed the charge sheet before the trial Court and the same was taken on file in S.C.No.37 of 2022. The petitioner has also obtained bail on 11.07.2022, however, he did not appear before the trial Court and hence, the trial Court has issued NBW on 22.09.2023, pursuant to which, the petitioner was secured by the respondent Police on 06.10.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial



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custody from 06.10.2023 and the petitioner is ready to appear before the trial Court on each and every hearing date. Hence, he prays for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed for grant of bail by stating that five previous cases are pending against the petitioner and since he has not appeared before the trial Court, the trial Court has issued NBW against him. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 I Additional District and Sessions Judge, Thoothukudi, and on further conditions that:



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(a) 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;

(b) the petitioner is directed to appear before the trial Court on each and every hearing date, till the conclusion of the trial;

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

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

(e) 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]; and;



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229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
28/03/2024

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28/03/2024

Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI,

2. THE SUPERINTENDENT,
DISTRICT JAIL, PERAURANAI, THOOTHUKUDI.

3.THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI.

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

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-3970[I] dated 28/03/2024)

ORDER

IN

CRL OP(MD) No.4964 of 2024

Date :28/03/2024

RK/ (28/03/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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