



CRL OP(MD). No.19168 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Appu @ Appurandham,

... Petitioner/Sole Accused

Vs

The State Rep by
the Inspect0r of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.398/2024..

... Respondent/Complainant

For Petitioner : Mr.R.Vinoth Bharathi,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.398/2024 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



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custody on 13.09.2024 for the alleged offence under Sections 126(2), 296(b), 109, 351(3) of BNS 2023 in Crime No.398 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner threatened the *defacto* complainant with aruval and demanded money. The *defacto* complainant refused to pay the money and therefore, the petitioner attempted to attack him.

3. Learned counsel appearing for the petitioner submitted that the respondent Police is registering one case after another against the petitioner and almost all these cases are foisted against the petitioner. Learned counsel for the petitioner further submitted that even on a plain reading of the First Information Report, it is seen that it is a put up case against the petitioner to ensure that the petitioner is kept inside the jail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that there are twenty seven previous cases pending against the petitioner. The particulars of the same was also produced before this Court. In ten cases, it is at the stage of trial. In one case, the final report is yet to be taken on file. In one other case, the case is under investigation. All the other cases have either been disposed of or have been referred as mistake of fact.



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5. In the considered view of this Court, when an accused person misuses his liberty by committing offence even after coming out on bail, the prosecution is expected to take steps against the accused person to seek for cancellation of bail. In none of the cases, this procedure is followed. The pattern that is seen in all these cases is that one First Information Report after another is registered against the accused person and ultimately, most of these cases are closed or it is pending at some stage of trial. The registration of FIR and arresting a person, seems to be a stop gap arrangement to tide over a situation.

6. The case in hand is one such case where it is alleged that the petitioner is involved in twenty seven previous cases. If that is so, when the accused person commits an offence after coming out on bail, steps should have been taken by the respondent Police to get the bail cancelled. Till date, not a single petition has been filed against the petitioner seeking for cancellation of bail.

7. Considering such attitude on the part of the respondent Police, it gives an impression to this Court that repeated FIRs are registered only to keep the petitioner on the hook.



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8. The contention of the learned counsel appearing for the petitioner that it is a put up case against the petitioner, also carries some force.

9. In the light of the above discussion, this Court is inclined to grant bail to the petitioner subject to the following conditions:

10. 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 Judicial Magistrate, Alangulam, Tenkasi District and on further conditions that:-

[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 shall appear before the learned Judicial Magistrate, Alangulam, daily at 10.30 a.m. until further orders.

[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.



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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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/11/2024

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07/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TENKASI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.



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4 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.VINOTH BHARATHI, Advocate (SR-13672[I] dated 07/11/2024)

ORDER

IN

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Date :07/11/2024

SS/SAR- /07/11/2024/ 6P/7C

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