

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal Sessions Judge, Tiruppur.

Monday, the 17th day of October, 2022

Cr.M.P.No.1970 / 2022

Madhan (20) (A1)
S/o.Munusamy

.....Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Thirumurugan Poondi Police Station,
Tiruppur.
(Cr.No.607/2022)

.....Respondent/Complainant

This petition is coming on this day for final hearing before me in the presence of Thiru.R.Sasikumar, Advocate for the petitioner and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

ORDER

1. The petitioner, who is in custody for the offences punishable u/s.341, 419, 363 and 392 of IPC had filed this petition u/s. 439 of Cr.P.C. seeking for his release on bail.

2. The petitioner was arrested on 12.08.2022 and he is in judicial custody for the past 67 days.

3. According to the petitioner, he is working as Ironing Master. The Police Head Constable from Thirumurugan Police Station approached the petitioner and asked him for help to catch the Ganja Peddlers and illegally authorized the petitioner as Friend of Police. On 09.08.2022, the 17.10.2022

Principal Sessions Judge, Tiruppur

other co-accused namely Vanaraja and Krishnappa caught a person namely Arjun, the defacto complainant who is selling Ganja near Pooluvapatti. As per the instruction of police they seized the defacto complainant's vehicle and note down his details. On 10.08.2022, Vanaraja and Krishnappa mortgaged the seized vehicle to a pawn broker. Suddenly, on 01.08.2022 at 10.00 p.m., the police attested them. The petitioner went to the police station and he was also arrested. The seized vehicle was recovered by the respondent police. He had not committed any offence. The earlier bail petitions in CMP.No.1314/2022 was dismissed by the trial court on 01.09.2022 and CMP.No.1755/2022, CMP.No.1834/2022 and CMP.No.1889/2022 were also dismissed by this court on 12.09.2022, 22.09.2022 and 29.09.2022 respectively. He will not abscond or tamper the witnesses. He is ready to abide by any condition imposed by this court and willing to produce sufficient sureties to the satisfaction of this Court and hence prays to grant bail to him.

4. The learned Public Prosecutor has submitted that the investigation is pending, if the petitioner is released on bail, he will abscond or tamper the witnesses, there is a chance for causing life injurious to the defacto complainant and the witnesses, he will indulge in same type of offence and hence the prosecution side strongly opposed for grant of bail to the petitioner and prays for dismissal of the petition.

5. The petitioner was said to have committed u/s.341, 419, 363 and 392 of IPC. The Charge sheet has not been laid so far. The petitioner is in custody for more than 60 days. A2 and A3 were already considered bail by this court. The petitioner is also in similar footing, this court is inclined to consider the bail application of the petitioner and the petition is allowed.

In the result, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate, Avinashi with a condition that the petitioner should appear before the respondent police daily morning at 10.00 a.m., and sign for 30 days, thereafter he should appear before the court concerned on receipt of summon.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioner shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence and shall appear before the respondent/ Investigation Officer as and when required for investigation.

On breach of the aforesaid conditions, the learned Judicial Magistrate is directed to take appropriate action against the petitioner in accordance with the law as laid out in the judgment of Hon'ble Supreme Court in P.K. Shaji in AIR 2005 SCW 5506.

If the petitioner absconds, a fresh F.I.R shall be registered u/s.229(A) of IPC.

Given by me, this the 17th day of October, 2022.

Principal Sessions Judge
Tiruppur.

Copy to :

1. The Judicial Magistrate, Avinashi.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Thirumurugan Poondi Police Station.
4. Counsel for the petitioner.