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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10730 of 2019

1. Sambath
2. Rajesh @ Manikandan ... Petitioners/Accused No.A1 & A3

Vs

State Rep.by
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No.40 of 2019) ... Respondent/Complainant

For Petitioners : M/s.M.Prabu,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for bail in Crime No.40 of 2019 on the file of the Respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 3 seeking bail for the alleged offence under Section 394 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 02.06.2019 and from that date onwards they are in custody. He further submitted the out of Rs.2,38,000/- that is said to have been robbed Rs.2,18,000/- has been recovered and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein waylaid the defacto complainant while he was coming from TASMACH Shop and robbed a sum of Rs.2,38,000/- from the



defacto complainant at knife point. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that no previous case is pending against the second petitioner. He further submitted that three previous cases of similar nature are pending against the first petitioner.

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5. Taking into consideration of the submission made by the learned Additional Public Prosecutor that three previous case of similar nature are pending against the first petitioner, this Court is not inclined to grant bail to the first petitioner. Insofar as the second petitioner is concerned there is no bad antecedents reported against him and also taking into consideration the fact that out of Rs.2,38,000/- that is said to have been robbed, Rs.2,18,000/- has been recovered and also the fact that the second petitioner is in custody for the past 58 days, this Court is inclined to grant bail to the second petitioner by imposing conditions:

[a] the second 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 Judicial Magistrate No.III, Thanjavur.

[b] the second petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the second petitioner shall not abscond either during investigation or trial.

[d] the second petitioner shall not tamper with evidence or witness 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

6. As regards the first petitioner this petition is dismissed.

sd/-
30/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
MELATTUR POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.12529

ORDER

IN

CRL OP (MD) No.10730 of 2019

Date : 30/07/2019

MS/PN/SAR-4/30.07.2019/3P.7C