



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3280 of 2020

1. MANIKANDAN @ MANI
2. PRABAKARAN @ PRABHA
3. SENTHILKUMAR @ SENTHIL ... PETITIONERS/ACCUSED NOS.1 TO 3

VS

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
NAMANASAMUTHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.16 OF 2020) RESPONDENT/COMPLAINANT

For Petitioners : M/s.G.Mathavan,
Advocate.
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

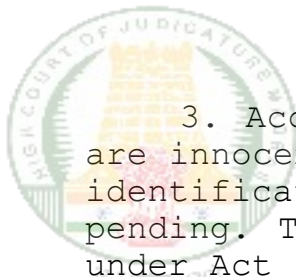
For Bail in Crime No.16 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioners/ accused 1 to 3 seeking bail for the alleged offence punishable under Section 397 of IPC.

2. According to the defacto complainant, he is a salesman in tasmac shop at Thirumayam. When he was travelling in a two wheeler after closing the shop at 10.25 p.m near Vellar bridge he was waylaid by three persons. They snatched his two wheeler and bag expecting money in it, but there was no money in the bank. However

<https://hcservices.judges.in/hcservices/>



3. According to the learned counsel for the petitioners there are innocent persons and the investigating agency has also conducted identification parade in the prison and no further investigation is pending. The said case is a foisted case to book the petitioners under Act 14 of 1982.

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4. Taking note of the fact and the submissions made, this Court finds that the vehicle alleged to have been taken away from the defacto complainant has been recovered and major portion of the investigation is over. So this Court is inclined to grant bail to the petitioners by imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam, Pudukottai District;

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
04/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKOTTAI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
NAMANASAMUTHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.

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

+1 CC to M/s.G.MATHAVAN, Advocate (SR-4723[I] dated 04/03/2020)

ORDER

IN

CRL OP(MD) No.3280 of 2020

Date :04/03/2020

AAV

JM/PN/SAR 1/04.03.2020/3P/7C