



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

Date : 10/03/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4359 of 2020

M.Sundaravel

... Petitioner/ Accused No.1

Vs

State through the
Inspector of Police,
Boovanthi Police Station,
Sivagangai District
(Crime No.116/2019)

... Respondent/Complainant

For Petitioner : M/s.K.C.Ramalingam,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

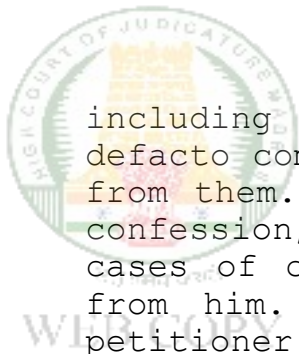
PRAYER :-

for bail in Crime No.116 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 392 and 395 of IPC.

2. The petitioner is one of the accused involved in chain snatching. On 17.11.2019, when the defacto complainant was going near Mullar to Nattakudi road along with her friend six persons



including the petitioner herein wielded knife, threatened the defacto complainant and her friend. Robbed two chains and two rings from them. This petitioner was arrested on 06.12.2019 and from his confession, the police came to know that he has involved in several cases of chain snatching and 22.400 gm of gold jewels were seized from him. The confession statement further indicates that the petitioner and his associates had been in the act of chain snatching for quite some time.

3. The learned Additional Public Prosecutor would submit that still four of the petitioner's associates are absconding and yet to be secured. He would also submit that due to abscondance of some of the accused persons, they are unable to complete the investigation and file final report. Hence he opposed to grant bail to the petitioner.

4. This Court finds that though recovery is effected from the accused persons and he is in jail for more than 90 days, final report has not been filed so far and also taking into consideration the right of the petitioner conferred under Section 167(ii) of Cr.P.C, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai;

[a] 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 petitioner shall report before the respondent police daily at 10.00 a.m and 5.00 p.m until further orders.

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

[d] the 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 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.

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sd/-
10/03/2020

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.
2. DO-THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
BOOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.K.C.RAMALINGAM, Advocate (SR-5090[I] dated 11/03/2020)

ORDER
IN
CRL OP(MD) No.4359 of 2020
Date :10/03/2020

AAV
SRS/ JC/ SAR-II/ 11.03.2020/ 3P/7C