



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

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1256 of 2021

Mohamed Yasik

: Petitioner/Accused
(Rank Not Known)

Vs

The State rep. by
The Inspector of Police,
Mathur Police Station,
Pudukkottai District.
Crime No.367 of 2020)

... Respondent/Complainant

For Petitioner : Mr.T.Senthil Kumar, Advocate

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

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

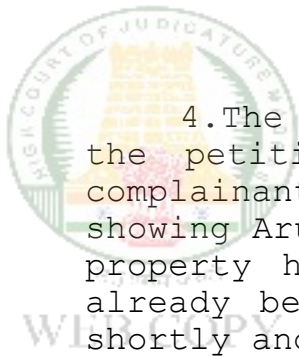
PRAYER :- For Bail in Crime No. 367 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 08.12.2020 for the offences punishable under Sections 452 and 397 IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.12.2020, the petitioner along with two other accused entered into house of the defacto complainant and at the knife point, robbed eight sovereigns of gold chain from the wife of the defacto complainant.

3.The learned counsel for the petitioner would submit that there is a civil dispute between the petitioner and the family of the defacto complainant. He would further submit that petitioner's friend one Fernandes George was working as a Driver in a Van used by the defacto complainant's family for Adalum Padalum stage performance. He would further contend that the petitioner is an innocent and he has been falsely implicated in this case.



4.The learned Additional Public Prosecutor would submit that the petitioner and two other accused entered into the defacto complainant's house and robbed eight sovereigns of gold chain by showing Aruval and other weapons. He would further contend that the property has already been recovered, that the investigation has already been completed and the charge sheet is going to be filed shortly and that the petitioner is not having any previous case.

5. Considering the facts and circumstance of the case and also considering the facts that the property has already been recovered, that the investigation has already been completed, that the petitioner is not having any previous case for similar offence or for any other serious offence and also the fact that the petitioner is in judicial custody from 08.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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, Keeranur.

i) 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.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/02/2021

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/ /2021

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
1. THE JUDICIAL MAGISTRATE, KEERANUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 4. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION, PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1256 of 2021
Date :02/02/2021

TRP
MS/VR/SAR-3/02.02.2021/3P.6C