



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2305 of 2021

Anil Kumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Crime No.1/2021

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 02.01.2021 for the offences punishable under Section 394 of IPC., on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 02.01.2021 at about 10.00 a.m, two persons, aged about 22 years, trespassed into the defacto complainant's house attacked his mother with wooden log, snatched the chain weighing about 1 ½ sovereign and ran away from the spot in the Auto having Kerala registration Number.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the above case. He would also submit that the petitioner is in jail for the past 43 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent State, on instructions, would submit that totally there are 4 accused in this case and the petitioner herein is arrayed as A3, arrested on 02.01.2021; A1 in this case was arrested on 18.01.2021; A4 is the receiver of the property has been arrested on 06.01.2021 and the investigation is under progress.

5. It is seen that the petitioner herein is arrayed as A3 and he was arrested on 03.01.2021 on the confession obtained from the co-accused. It is seen that the petitioner has got knowledge about A1 and A2 in commission of the above offence. A3 in this case was arrested on 03.01.2021; A1 in this case was shown arrest on 18.01.2021 prior to it he was arrested on 05.01.2021 in some other case; A4, who is the receiver of the property, was arrested on 06.01.2021 and the property has been recovered. There is no bad antecedents as against this petitioner. The petitioner resides in Kerala, a bordering State, carries on his avocation as Atuto Driver in the District of Kanyakumari for the past 23 years.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai.

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 until further orders except the days when his presence required before the concerned Court.

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/-
15/02/2021

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/ TRUE COPY /

/ /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.

TO

- 1.THE JUDICIAL MAGISTRATE No.I,
KUZHITHURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE OFFICER INCHARGE,
SUB JAIL, KUZHITHURAI.
- 4.THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.A.BALAKRISHNAN Advocate SR.No.1022

ORDER
IN
CRL OP(MD) No.2305 of 2021
Date :15/02/2021

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TK/PN/SAR.1/16.02.2021/3P/7C