



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2914 of 2021

Sathyaraj ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Perumalpuram Crime Branch Police Station,
Tirunelveli District.
Crime No.831/2020. ... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

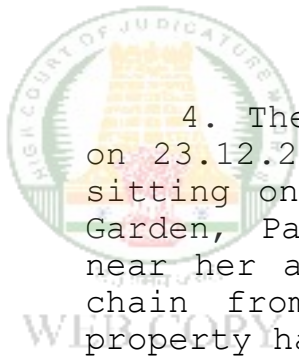
For Bail Crime No.831 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 19.01.2021 for the offence punishable under Section 392 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 23.12.2020 at about 09.15 pm., when the defacto complainant was sitting on her two wheeler speaking in the mobile phone near Jeba Garden, Palayamkottai a white colour car came there and stopped near her and a person got down from the car and snatched the gold chain from her left the place. Hence the complaint.

3.The learned counsel for the petitioner would submit that the occurrence said to have taken place on 23.12.2020 and the petitioner was taken to custody on 19.01.2021 nearly after a month. He would also submit that the property has been recovered and A1 in this case was granted bail by this Court on 16.02.2021 in Crl.O.P(MD) No.



4. The learned Government Advocate(Crl.Side) would submit that on 23.12.2020 at about 09.15 pm., when the defacto complainant was sitting on her two wheeler speaking in the mobile phone near Jeba Garden, Palayamkottai a white colour car came there and stopped near her and a person got down from the car and snatched the gold chain from her left the place. He would also submit that the property has been recovered and A1 in this case was granted bail by this Court on 16.02.2021 in Crl.O.P(MD) No. 1996 of 2021.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the property has been recovered from A1 and also the fact that the petitioner is only working as driver under A1 and A1 who is the cab owner was released on bail, 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 No.I,Tirunelveli

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/-
24/02/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE No.I, TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PERUMALPURAM CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2914 of 2021
Date :24/02/2021

AAV
TK/VR/SAR.2/24.02.2021/3P/6C