



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

Date : 29/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10022 of 2021

Asain Mohamed,

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No. 490 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

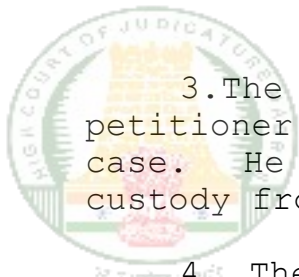
PRAYER :-

For Bail in Crime No. 490 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 13.06.2021 for the offences punishable under Sections 448,395 and 397 of IPC in Crime No.490 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.06.2021 at about 12.30 pm., the defacto complainant and his wife visited his friend Siva house for purchasing saree from Siva, who is engaged in selling sarees, at that time five unidentified persons trespassed into the house. They threatened the defacto complainant, his wife, friend's wife at knife point and robbed his cellphone, money purse with ATM card, RC book original and cash of Rs.8000/- They also grabbed cell phone of his friend's wife, therefore the case came to be registered.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He also submitted that except Rs.3000/-, auto used for the commission of offence and other materials like cell phone and Rs.5000/- and RC book had been recovered.

5. It is a case of robbery. Most of the material objects have been recovered.

6. Taking note of the fact and circumstances of the case and also the fact that the petitioner is in judicial custody from 13.06.2021, this Court is inclined to grant bail to the petitioner

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 sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 10.30 am., 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.

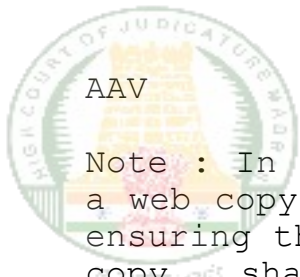
sd/-

29/07/2021

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/ /2021

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



AAV

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON TRICHY
- 4 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10022 of 2021

Date :29/07/2021

NA/VR/SAR.IV/27.07.2021/3P/6C