



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11.11.2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.17185 of 2021

Prakash ... Petitioner/4th Accused

Vs

The State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No.505 of 2021

... Respondent/Complainant

For Petitioner : Mr.D.VENKATESH, Advocate

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.505 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 23.09.2021 for the offence punishable under Section 399 of IPC in Crime No.505 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were planning to commit dacoity. Further two knives and two iron rods were also recovered from nearby bushes. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the petitioner has five previous cases.

5. The earlier bail application filed by the petitioner in Crl.OP(MD)No.15877 of 2021 was dismissed on 12.10.2021, on the ground that the petitioner has eight previous cases. However,

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today, the learned Additional Public Prosecutor submitted that the petitioner has only five previous cases. Further, it is seen that out of the five cases, three cases are registered under TNP Act and other two cases are simple in nature. Hence, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Karaikudi 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of thirty days.

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

[d] the petitioner shall not tamper with the 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/-

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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.

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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4 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17185 of 2021

Date :11/11/2021

SA/TR/SAR.2/11.11.2021/3P/6C