



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.18597 of 2021

Selvaprabhu

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
SIPCOT Police station,
SIPCOT, Thoothukudi,
Thoothukudi District.
Crime No. 401 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.401 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 31.10.2021 for the offence punishable under Sections 392, 397 of IPC in Crime No.401 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that on 30.10.2021, when the defacto complainant was returning to his home, the petitioner herein and the other two accused persons snatched the defacto complainant's mobile phone worth about Rs.38,000/-. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant's mobile phone



has been recovered and that the petitioner is not having any previous case in similar offences.

5.Considering the fact that the property was recovered as stated by the learned Additional Public Prosecutor and that the petitioner is in judicial custody from 31.10.2021 and also the fact that the petitioner is not having any previous case for the similar or serious offences, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.3, Thoothukudi District and on further conditions that;

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.

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/-
26/11/2021

/ 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



TO

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

ORDER
IN
CRL OP(MD) No.18597 of 2021
Date :26/11/2021

pnn
MK/PN/SAR.I/26.11.2021/3P/6C