



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

Date : 19/01/2022

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.723 of 2022

SARATHKUMAR

... PETITIONER/ACCUSED
RANK NOT KNOWN

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY CITY.
(CRIME NO.785 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Anbarasi,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. side)

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

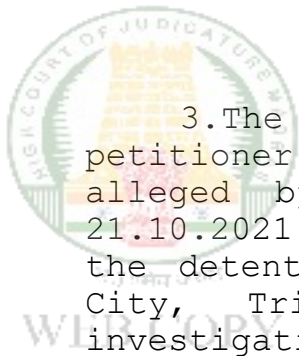
PRAYER :-

For Bail in Crime No.785 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused (Rank not known), who was arrested and remanded to judicial custody on 21.10.2021 for the offence punishable under Section 392 of IPC in Crime No.785 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.08.2021, at about 01.30 p.m, when the defacto complainant, who is the Assistant Professor, Chemistry in Anna University, returning from her college from Trichy Central Bus Stand, near by VOC Road, the petitioner and the other accused came in two wheeler and snatched her 3 ½ sovereigns of dollar chain. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 21.10.2021. She would further submit that this Court, on considering the detention order passed by the Commissioner of Police, Trichy City, Trichy, dated 11.11.2021 and the pendency of the investigation, dismissed the earlier bail application in Crl.O.P(MD) No.17999 of 2021, vide order dated 29.11.2021. She would further submit that the detention order passed by the Commissioner of Police, Trichy City had already been revoked vide order dated 31.12.2021 hence, she seeks bail.

4. The learned Government Advocate (Crl Side) appearing for the respondent police would submit that the detention order passed by the Commissioner of Police, Trichy City, Trichy, dated 11.11.2021 has been revoked on 31.12.2021 and that the investigation has already been completed. He would further submit that the petitioner is having another case in Crime No.958 of 2021 on the file of the Inspector of Police, Cantonment Police Station, Trichy for the offence under Section 394 r/w 397 of IPC.

5. The learned counsel for the petitioner would submit that the petitioner was already granted bail by the learned Principal District and Sessions Court, Tiruchirappalli, vide order, dated 15.11.2021 in Crime No.958 of 2021.

6.Considering the above facts and circumstances and also the fact that the petitioner is not having any other previous case for similar offences except the above said cases and also taking note of the facts that the detention order has been revoked and the investigation has already been completed as stated by the learned Government Advocate and the period of judicial custody, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Trichy.

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am. until further orders.

[c] the petitioner shall not tamper with evidence or witness.

<https://hcservices.courts.gov.in/hcservices/> the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.723 of 2022
Date :19/01/2022

USK/JM/SAR-IV/20.01.2022/3P/6C