



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3617 of 2022

Thirumoorthy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
M. Reddiyapatti Police Station,
Virudhunagar District
(Crime No. 130 of 2021).

... Respondent/Complainant

For Petitioner : M/s.MAHENDRA PRABHU.M.,
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.130 of 2021 on the file of the respondent police.

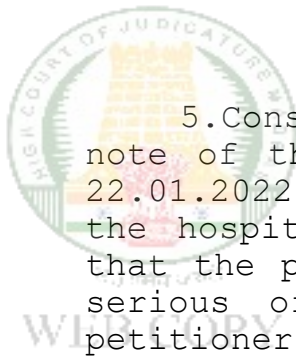
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.01.2022 for the offences punishable under Section 397 IPC, in Crime No.130 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that On 18.12.2021, at about 08.25 p.m, the petitioner and others waylaid the de-facto complainant's car, snatched 15 sovereigns of gold chain, three sovereigns of gold bracelet, two sovereigns of gold ring and 1.1/4 sovereign of gold ring , cash Rs.4,800 and Vivo cell phone, total worth about Rs.2,19,800/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and that the petitioner is having no previous case. He would further submit that except A1, all other accused are arrested and that the injured was discharged from the hospital.



5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 22.01.2022 and also the facts that the injured was discharged from the hospital, that except A1, all other accused are arrested and that the petitioner is not having any previous case for similar or serious offence, 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 Court, Aruppukottai, Virudhunagar.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/02/2022

/ TRUE COPY /

22/02/2022

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
ARUPPUKOTTAI, VIRUDHUNAGAR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

<https://hcservices.ecourts.gov.in/hcservices/>



3 THE OFFICER INCHARGE
SUB-JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
M.REDDIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP (MD) No.3617 of 2022

Date :22/02/2022

SA/PN/SAR.2/22.02.2022/3P/6C