



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.3815 of 2022

Kumaravel

... Petitioner/Accused No.5

Vs

The State represented by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Crime No.48 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

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

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

PRAYER :-For Bail in Crime No.48 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.5, who was arrested and remanded to judicial custody on 06.02.2022 for the offences punishable under Section 392 IPC altered into Sections 392, 120(b) and 395 IPC, in Crime No.48 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.02.2022, the petitioner along with other accused had committed robbery from the defacto complainant a sum of Rs.3,11,650/-. Hence, the complaint.

3.It is not in dispute that the accused 1, 3 and 4 are the staffs working under the defacto complainant, who is the manager of Aakash Pharmaceuticals and that the second accused is the brother of the first accused and the fifth accused is the friend of the second accused.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that there existed salary dispute between the defacto complainant and his staffs.

5.The learned Additional Public Prosecutor would submit that the property has been recovered.

6.Considering the facts that the property has been recovered, that the petitioner is in judicial custody from 06.02.2022 and that the petitioner is not having any previous cases for similar or serious offence, 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 learned Judicial Magistrate No.IV, Madurai, Madurai District.

(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 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2022

/ TRUE COPY /

25/02/2022
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 NO.IV,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3815 of 2022
Date :25/02/2022

CSM
MK/PN/SAR.I/25.02.2022/3P/6C