



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

Date : 09.03.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4499 of 2022

1. M.GuruMoorthy
2. M.Sathiyendran ... Petitioners/Accused Nos.3&4

Vs

The State represented by
The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Crime No.130 of 2021). ... Respondent/Complainant

For Petitioners : Mr.S.S.Sundarapandian,
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.130 of 2021 on the file of the Respondent police.

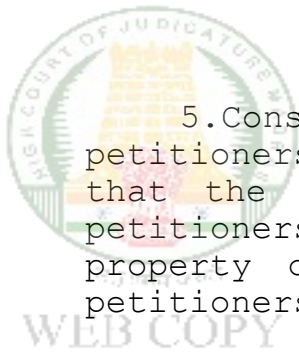
ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 22.01.2022 for the offence punishable under Section 397 IPC, in Crime No.130 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused way-laid the defacto complainant and two others and snatched their gold ornaments, cell phone and some cash and the same were totally worth about Rs.2,19,800/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused was already released on bail.

4.The learned Additional Public Prosecutor would submit that the property has been recovered. He would further submit that the first petitioner is having one previous case and that the second petitioner is not having any previous case.



5.Considering the nature of charges levelled against the petitioners and also the facts that the property has been recovered, that the co-accused was already released on bail and that the petitioners are not having any previous cases for similar offence or property offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Aruppukottai.

[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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/03/2022

/ TRUE COPY /

09/03/2022
Sub-Assistant Registrar (C.S-I)
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.

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

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

4. THE OFFICER-INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.

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

+1 CC to M/s.S.S.SUNDARA PANDIAN, Advocate (SR-1831[I] dated
09/03/2022)

ORDER

IN

CRL OP(MD) No.4499 of 2022

Date :09/03/2022

USK/PN/SAR-I/09.03.2022/3P/7C