



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6367 of 2022

1. Abinеш
2. Narenthiran
3. Sanjay Kumar

... Petitioners/Accused Not Known

Vs

The State rep.by,
The Inspector of Police,
Viralimalai Police Station,
Viralimalai,
Pudukottai District.
Crime No.455 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.C.Maniyarasu,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.455 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 17.02.2022 for the offences punishable under Section 392 IPC, in Crime No.455 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a lorry driver, on 25.08.2021 at about 04.30 am, when the defacto complainant stopped his lorry in a road side, at that time, the petitioners robbed Rs.9,500/- from him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appearing for the State would submit that property has not been recovered and that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioners are in judicial custody from 17.02.2022 and also the facts that first petitioner is having one previous case for the offence under Section 380 IPC and the other petitioners are not having any previous case and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on his 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, Illupur.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 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]**.

(vi)If the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/04/2022

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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,
ILLUPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, VIRALIMALAI,
PUDUKKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

ORDER

IN

CRL OP(MD) No.6367 of 2022

Date :07/04/2022

DAS

MK/PN/SAR.IV/07.04.2022/3P/6C