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

Date : 26/04/2022

PRESENT

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

CRL OP(MD). No.7705 of 2022

S.Karthick ... Petitioner/Accused Rank Not Known

**Vs**

State Rep.by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City.
(Crime No.90/2022). ... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,
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.90/2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 16.02.2022 for the offences punishable under Sections 392 IPC r/w 397 IPC, in Crime No.90 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a beauty parlour in the name and style of Heaven Ayurvedic Care. On 15.02.2022 at about 11.30 a.m., the petitioner along with other accused came there and demanded a sum of Rs.1,00,000/- from the de-facto complainant and another two accused took a sum Rs.20,000/- from the drawer and pulsar bike key and also extorted a cellphone from one Stella by showing knife. 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.

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4.The learned Government Advocate (Crl.Side) would submit that the property has been recovered and that the petitioner is having nine cases relating to Tamil Nadu Gambling Act.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 16.02.2022 and also the facts that the property has been recovered and that the petitioner is not having any previous case for similar or property 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 No.IV, Trichy.

(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., for a period of one month and thereafter as and when required for interrogation;

(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/-
26/04/2022

/ TRUE COPY /

26/04/2022
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.

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TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
THILLAI NAGAR POLICE STATION,
TRICHY CITY, TRICHY.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate ( SR-3821[I] dated 26/04/2022 )

ORDER
IN
CRL OP(MD) No.7705 of 2022
Date :26/04/2022

RS/VR/SAR.4 (26.04.2022) 3P-7C

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