



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

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PRESENT

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

CRL OP(MD) . No.7906 of 2022

Vignesh

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Crime No.32 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.M.Mohana Sundaram,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. side).

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

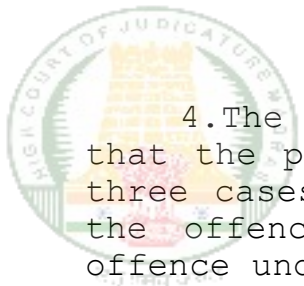
PRAYER :-For Bail in Crime No.32 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 28.02.2022 for the offences punishable under Sections 397 and 506(2) IPC, in Crime No.32 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the first accused way-laid the defacto complainant's son and demanded him to handover the money and mobile phone by showing aruval and when the same was refused by the defacto complainant's son, the petitioner and the first accused attacked him with aruval and wooden stick and also robbed Rs.1,000/- and a mobile phone worth about Rs.11,000/- from him. Hence, the complaint.

3.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.



4.The learned Government Advocate (Criminal Side) would submit that the petitioner is having five previous cases, which includes, three cases for the offence under Section 506(2) IPC, one case for the offence under Section 110(e) Cr.P.C. and one case for the offence under Section 436 IPC.

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5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 28.02.2022 and that the cell phone, which was allegedly taken, was recovered, 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.I, Srivilliputhur.

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

sd/-

27/04/2022

/ TRUE COPY /

27/04/2022

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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.G.THALAIMUTHARASU, Advocate (SR-3899[I]dated 27/04/2022)

ORDER
IN
CRL OP(MD) No.7906 of 2022
Date :27/04/2022

CSM
MK/VR/SAR.I/27.04.2022/3P/7C