



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

Date : 11/05/2022

PRESENT

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

CRL OP(MD) . No.7895 of 2022

Babu

... Petitioner/A2

Vs

The State rep.by
The Inspector of Police,
Koodankulam Police Station, Koodankulam,
Tirunelveli District.
(Crime No.92/2022).

... Respondent/Complainant

For Petitioner : M/s.K.RAVINDRAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.92 of 2022 on the file of the Respondent Police.

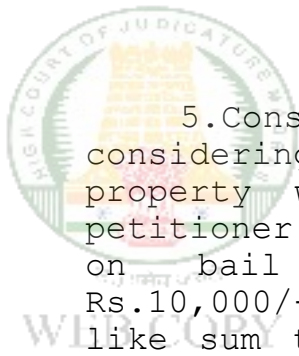
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 01.04.2022 for the offences under Sections 341 and 394 of IPC @ 341 & 395 of IPC, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner and the other accused persons joined together, followed the defacto complainant and snatched her gold chain and a sum of Rs.30,000/-. Hence, the present complaint has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Further, the property was recovered and the major portion of the investigation is completed and the petitioner is in prison for more than 40 days.

4.The learned Additional Public Prosecutor on instructions would submit that initially, the case was registered for the offences under Sections 341 and 394 of IPC and thereafter, it was altered for the offences under Sections 341 and 395 of IPC. He would further submit that the petitioner/A2 is having six previous cases, out of which 2 cases were filed under Section 323 IPC and 3 cases were filed under Section 188 IPC.



5.Considering the facts and circumstances of the case and considering the period of incarceration and the fact that the stolen property was recovered, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

11/05/2022

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
RADHAPURAM, TIRUNELVELI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, KODANKULAM,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7895 of 2022

Date :11/05/2022

SA/VR/SAR.4/11.05.2022/3P/6C