



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8039 of 2022

Nandakumar

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(In Crime No.311 of 2020)

... Respondent/Complainant

For Petitioner : MR.V.Karuna, Advocate for
M/s.R.Yamuna, 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.311 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 04.04.2022 for the offences punishable under Sections 392 @ 392, 394 and 397 of IPC, in Crime No.311 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.05.2020, when the de-facto complainant went to her job and return back to her home, the petitioner and other accused intercepted the de-facto complainant by showing knife and snatched her jewels, cash of Rs.18,000/- and one mobile phone. 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.

4.Since the petitioner has not complied with the condition imposed in Cr.M.P.No.3529 of 2020, dated 21.09.2020, Non-Bailable Warrant (NBW) was ordered to be issued and that the petitioner has surrendered before the Principal District and Sessions Judge on 04.04.2022, he is to recall the warrant on the same day. But the learned



Principal District and Sessions Judge, Pudukkottai has dismissed the application and remanded the petitioner to judicial custody.

5.The learned Government Advocate (Crl. side) would submit that the petitioner is having two previous cases.

6.Considering the above facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 04.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Iluppur, Pudukkottai District.

(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 stay at Thiruvannamalai and report before the Inspector of Police, Thiruvannamalai Town Police Station, Thiruvannamalai daily at 10.30 a.m for a period of thirty days and thereafter, 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/04/2022

/ TRUE COPY /

28/04/2022
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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
ILUPPUR, PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI

ORDER
IN
CRL OP(MD) No.8039 of 2022
Date :28/04/2022

SJI
MK/VR/SAR.II/28.04.2022/3P/7C