



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.11120 of 2022

WEB COPY

Ajithkumar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai.
Cr.No.256/2022.

... Respondent/Complainant

For Petitioner : M/s.MURUGESAN.M, Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

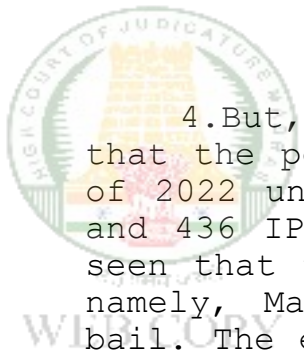
PRAYER :- For Bail in Cr.No.256/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 28.05.2022 for the alleged offence under Sections 392, 397 NS 506(II) of IPC, in Crime No.256 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant was working as a machine fitter in the SRI Industries. On 28.05.2022, at about 11.00 a.m, he went to the occurrence place. At that time,the accused persons, who came there in an Auto demanded the vehicle. When that was refused, the accused namely, Mariselvam alies Pookadai Mari threatened him at knife point. When he raised, all along neighbours gathered and accused took away the two wheeler. Another person, who was available in the Auto also went away by driving the Auto. Based upon the complaint given by the defacto complainant, case in Crime No.256 of 2022 for the offence under Sections 392, 397 NS 506(II) of IPC was registered. The petitioner was arrested and remanded to custody on 29.05.2022. Even since, he is in judicial custody.

3 Seeking bail, the petitioner has filed this petition on the ground that even as per the allegation made in the FIR, his involvement is not mentioned and he is in no way connected with the alleged occurrence. The first accused, who is involved in the occurrence was released on bail, No bad antecedents is also reported against him.



4. But, the learned Government Advocate (Crl.Side) would submit that the petitioner is involved in 1 previous case in Crime No.116 of 2022 under the provision of Indian Explosive and Substance Act and 436 IPC. That is under investigation. From the CD file, it is seen that the PT warrant has been issued against the first accused namely, Mariselvam alias Pookadai Mari. But, he was released on bail. The earlier bail application that was filed by the petitioner came to be dismissed by the learned Principal Sessions Judge, Madurai in Crl.M.P.No.2427 of 2022.

5. Considering the duration of the custody and also considering the fact that he has not involved in any previous case of robbery issue and no specific overt act is attributed against the petitioner even in the FIR and except the confession statement of the co-accused, no other material is available, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 No.VI, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

04/07/2022

/ TRUE COPY /

05/07/2022

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.VI, MADURAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MURUGESAN M Advocate SR.No.6577

ORDER IN

CRL OP(MD) No.11120 of 2022

Date : 04/07/2022

SA/PN/SAR.3/05.07.2022/2P/7C

<https://www.mhc.tn.gov.in/judis>