



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

Date : 28.06.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11351 of 2022

Thennarasu

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.54 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajeshkumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.54 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 26.04.2022 for the offences punishable under Sections 364 (A), 365, 394 r/w 397 of IPC altered into Sections 364(A), 365, 394, 397, 120(B) and 395 of IPC, in Crime No.54 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had kidnapped the defacto complainant and attacked him with hands and also snatched his 4 sovereigns of gold chain, ring and Oppo mobile. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a real estate broker and that he was falsely implicated in the above case. He would further submit that the fifth accused was granted bail by the Principal Sessions Court, Sivagangai, wherein, the learned Principal Sessions Judge has observed that the entire stolen properties were recovered.



4.The learned Additional Public Prosecutor would submit that some of the properties are not yet recovered and so far as the present petitioner is concerned, out of Rs.1,50,000/-, Rs.70,000/- was already recovered.

5.The learned counsel for the petitioner on instructions would further submit that the petitioner is ready and willing to deposit the remaining amount of Rs.80,000/-.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 26.04.2022 and that the petitioner is not having any previous cases for similar offence or serious offence and taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit a sum of Rs.80,000/-, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of **Rs.80,000/- (Rupees Eighty Thousand only)** to the credit of Crime No.54 of 2022 on the file of the respondent police, without prejudice to his rights and contentions before the learned Judicial Magistrate Court, Karaikudi, Sivagangai District.

8.On such deposit, 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 Court, Karaikudi, Sivagangai 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 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/-
28/06/2022

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/ TRUE COPY /

28/06/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE OFFICER-INCHARGE,
SUB-JAIL, SIVAGANGAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11351 of 2022
Date :28/06/2022

csm
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