



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12163 of 2022

1. Sakthivel

2. Balamurugan ... Petitioners/Accused Rank No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.170 of 2022)

... Respondent/Complainant

For Petitioners : Mr.K.Dinesh,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

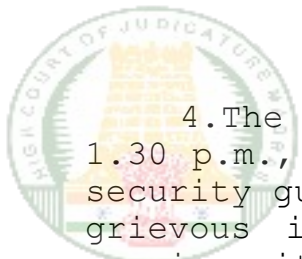
PRAYER :-For Bail in Crime No.170 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who were arrested and remanded to the judicial custody on 10.06.2022 for the alleged offences punishable under section 397 of IPC, in Crime No.170 of 2022 on the file of the respondent police, seek bail.

2. When the matter is taken up for hearing, the learned counsel for the petitioners seeks permission of this Court to withdraw this Criminal Original petition insofar as the first petitioner is concerned.

3.In view of the same, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.



4.The case of the prosecution is that on 07.06.2022 at 1.30 p.m., the defacto complainant received an information that the security guard was attacked by some unknown persons and he sustained grievous injuries. Thereafter, he went to the shop and made an enquiry with the security guard, he was informed that at about 1.30 p.m., some unknown persons attacked him and broke open the Tasmac shop and robbed 2400 bottles, which is worth about Rs.5,31,180/-. On the basis of the above said occurrence, a case was registered under Section 397 of IPC.

5.The learned counsel for the second petitioner submitted that the second petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 10.06.2022

6.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners were robbed 2400 bottles, which is worth about Rs.5,31,180/- and also submitted that no previous case is pending against the second petitioner. He would further submit that the injured person has been discharged from the hospital.

7.Considering the facts and circumstances of this case, the antecedents of the second petitioner and the period of incarceration, this Court is inclined to grant bail to the second petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and the second 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 District Munsif Cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, and on further condition that the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

01/08/2022

/ TRUE COPY /

01/08/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12163 of 2022

Date :01/08/2022

TTA

MK/VR/SAR.I/01.08.2022/3P/6C