



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

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16106 of 2022

Udhaya Prakash

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Karur Town Police Station,
Karur.
(Crime No. 514 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnu.V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.514 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 24.07.2022 for the offences punishable under Sections 294 (b), 307, 341 and 397 IPC in Crime No.514 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.07.2022, while the de-facto complainant was returning from the market after purchasing vegetables, at that time, the petitioner and other accused assaulted the de-facto complainant with knife and snatched a sum of Rs.1,200/- and a mobile phone from the de-facto complainant. Hence, the complaint.

3.On the side of the petitioner, it is stated that the co-accused was already arrested and released on bail and prayed the petitioner to be released on bail.



4. On the side of the prosecution, it is stated that the petitioner is having one previous case. It is fairly admitted that the co-accused was already released on bail and that the injured was discharged from the hospital.

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5. Considering the period of incarceration and on considering the fact that the injured was already discharged from the hospital and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Court No.1, Karur.

(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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-
07/09/2022

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07/09/2022
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.1,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.
4. THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16106 of 2022

Date : 07/09/2022

sj i

USK/VR/SAR-I/07.09.2022/3P/6C