



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

Thursday, the Twentieth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.18883 of 2022

WEB COPY

A.NASEETH MOHAIDEEN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
CR.NO.502 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.PRISCILLA JANCY K.M. Advocate
For Respondent : MR.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

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

PRAYER : FOR BAIL IN CRIME NO.502 OF 2021 ON THE FILE OF THE
RESPONDENT POLICE.

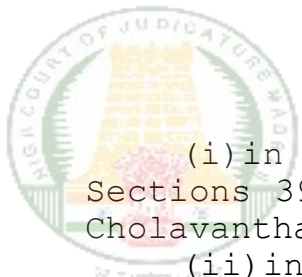
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 25.12.2021 for the offences punishable under Sections 392 & 397 of IPC in Crime No.502 of 2021, on the file of the respondent police, seeks bail.

2.The case against the petitioner is that he along with other accused snatched two sovereigns of gold chain from the defacto complainant.

3.On the side of the petitioner, it is stated that the case was registered against four persons. The petitioner is A2 in this case. A3 and A4 were already released on bail on 10.01.2022. The allegation is that only A3 has snatched the chain. The property was recovered only from A3. The petitioner is in custody for the past 302 days. The previous cases against the petitioner are alleged to have taken place two years ago. The earlier petition was dismissed on the ground that the petitioner was detained under the Goondas Act. Two weeks ago the detention, the Goondas Act was revoked.

4.On the side of the prosecution, it is stated that A1 and the complainant were facebook friends. The complainant is 2nd year Medical College Student. The petitioner is having two previous cases of similar nature. The details of the previous cases are hereunder:



(i) in Crime No.1883 of 2020, for the offences punishable under Sections 392 IPC altered into Sections 34 and 392 of IPC before the Cholavanthan Police Station;

(ii) in Crime No.1933 of 2020, for the offences punishable under Section 392 IPC altered into sections 386, 506(ii) of IPC before the Vadipatti Police Station.

The petitioner is a habitual offender and H.S.No.258 of 2022 is maintained against him. Proceedings under the Goondas Act was initiated against the petitioner and the same was revoked. Charge sheet in this case was filed and the same was taken on file in S.C.No.252 of 2002 before the Subordinate Court No.II, Madurai. The trial in this case has commenced. The prosecution raised serious objection.

5.Considering the period of incarceration and considering the fact that investigation was over and charge sheet was filed and considering that the proceeding under the Goondas Act was revoked, this Court is inclined to release the petitioner on bail on the following conditions:

6.Accordingly, 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 VI, Madurai and on further conditions that:

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/10/2022

/ TRUE COPY /

20/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.18883 of 2022

Date :20/10/2022

PNN

RS/VR/SAR.(20.10.2022) 3P-6C