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

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18728 of 2022

Siva Prakash ... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Pavoorchathram Police Station,
Pavoorchatram,
Tenkasi District.
(Crime No. 224 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Venkatachalam D,
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. 224 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 28.09.2022 for the alleged offence under Sections 342, 394 IPC, in Crime No.224 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.06.2022, the accused persons had robbed 98 sovereigns of gold jewels and cash of Rs.10,00,000/- belongs to the defacto complainant, by wrongfully confined his parents in their house. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. In this case, charge sheet was filed. The petitioner is in custody from 28.09.2022. The co-accused were already enlarged on bail. Hence, prays to release the petitioner on bail.

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4. On the side of prosecution, it is stated that based on the confession of this petitioner, 44.6grams of gold jewels and cash of Rs.50,000/- recovered from him. He would further submit that in this case, charge sheet was filed. Since the offence is grave in nature, he prays for dismissal of this petition.

5.Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed before the concerned Court, that the co-accused were released on bail and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on 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 Judicial Magistrate, Tenkasi.

(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 appear before the concerned Court on all hearings without fail;

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/10/2022

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26/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE,
   TENKASI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   TIRUNELVELI DISTRICT.

3. THE OFFICER-INCHARGE,
   SUB-JAIL, TENKASI.

4. THE INSPECTOR OF POLICE,
   PAVOORCHATHRAM POLICE STATION,
   PAVOORCHATRAM, TENKASI DISTRICT.

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

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-11890[I] dated 26/10/2022)

ORDER
IN
CRL OP(MD) No.18728 of 2022
Date :26/10/2022

PNM
USK/SBN/SAR- /26.10.2022/3P/7C

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