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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.19109 of 2022

M.Balaji ... Petitioner/Accused (Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi-627808.
Crime No.224 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Krishnamurthy G,
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 Cr.No.224 of 2022 on the file of the Respondent Police.

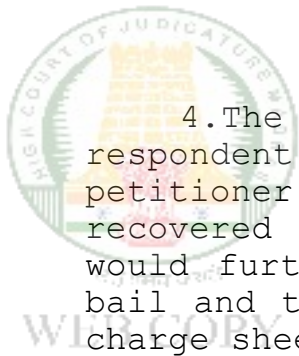
ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 18.09.2022 for the offences punishable under Sections 342, 394, 294(b) and 395 of 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 29.06.2022, at about 10.00 p.m, when the defacto complainant reached her home, she found that her mother and father injured and tied up and also found that the jewels and cash were stolen away from her house to the tune of Rs.24,70,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the material part of investigation is completed and the co-accused were already released on bail and the petitioner is in judicial custody from 18.09.2022. Hence, he may be granted bail.

<https://www.mca21.com>



4.The learned Additional Public Prosecutor appearing before the respondent police strongly opposed for grant of bail to the petitioner on the ground that the part of the properties have been recovered and some other properties were yet to be secured. He would further submit that the co-accused were already released on bail and the investigation in this case has been completed and the charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that co-accused were released on bail and the investigation has been completed and the charge sheet has also been filed before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following 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, 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 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].

sd/-

28/10/2022

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28/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.



4 THE INSPECTOR OF POLICE, PAVOORCHATRAM POLICE STATION,
TENKASI-627808.

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

+1 CC to M/s.G.KRISHNAMURTHY, Advocate (SR-12067[I] dated
28/10/2022)

ORDER

IN

CRL OP(MD) No.19109 of 2022

Date :28/10/2022

CP

RS/VR/SAR.(28.10.2022) 3P-7C