



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

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PRESENT

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

CRL OP(MD). No.19523 of 2022

Ragulgandhi @ Saravanan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Cr.No.216/22.

... Respondent/Complainant

For Petitioner : M/s.Alagumani R, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.216/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.09.2022 for the offences punishable under Section 379 IPC, in crime No.216 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that during the time of political meeting on 29.09.2022, the petitioner and other accused have stolen the mobile phone of the de facto complainant and also a sum of Rs.14,500/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 30.09.2022 and hence, he may be granted bail.



4.The learned Government Advocate (Crl. Side) would submit at the the petitioner is a habitual offender and he is having six previous cases in similar nature. He would further submit that the investigation is completed and the final report is yet to be filed before the concerned Court.

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5.Considering the facts and circumstances of the case and also considering the fact that the investigation has already been completed and that the property was recovered and also considering the period of incarceration, 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 learned Judicial Magistrate, Thirumangalam, Madurai District.

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

sd/-

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04/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

<https://www.maduraijudicial.org>



CRL OP(MD). N



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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-12407[I] dated 04/11/2022)

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ORDER

IN

CRL OP(MD) No.19523 of 2022

Date :04/11/2022

TRP

RS/SBN/SAR. (04.11.2022) 3P-7C