



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19533 of 2022

WEB COPY

Pakkurudheen

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.68 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Alagesh Kumar V, 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.68 of 2021 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 23.07.2022 for the offences punishable under Section 392 IPC, in crime No.68 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have snatched the 7 ½ sovereigns of gold Mangal Sutra worth about Rs.70,000/- from the neck of the defacto complainant and 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 23.07.2022 and hence, he may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that totally two accused involved in this case and the petitioner herein is having seven previous cases in similar nature. He would further submit that the investigation completed and the charge sheet has been filed and the same was taken on file as C.C.No.142 of 2022 by the concerned Magistrate.



5. Considering the facts and circumstances of the case, so considering the fact that the charge sheet was filed 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 District Munsif Cum Judicial Magistrate, Thiruppathur.

(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 appear before the concerned Court on each and every hearing date 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/-

04/11/2022

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04/11/2022

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUPPATHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, NACHIYAPURAM POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ALAGESH KUMAR, Advocate (SR-12455[I] dated 04/11/2022)

ORDER IN

CRL OP(MD) No.19533 of 2022

Date :04/11/2022

TRP

<https://www.cbi.gov.in> (04.11.2022) 2P-7C