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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022
PRESENT

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

CRL OP(MD). No.19627 of 2022

Elumalai

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.939 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R,
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.939 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 27.11.2021 for the offences punishable under Sections 392 IPC @ 392 and 394 IPC r/w 34 IPC in crime No.939 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.11.2021, when the de-facto complainant was chatting with his friend near Sivayam Ellai Appa Naicker Nelandau, two unknown accused came in a bike and snatched two sovereigns of gold chain worth about Rs.40,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused in this case. He would further submit that the petitioner is in judicial custody from 27.11.2021, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having three previous cases and the investigation

<https://www.mhc.tn.gov.in/judis>



has been completed and the charge sheet has already been filed and the same was taken on file in C.C.No.2 of 2022 before the learned Judicial Magistrate No.II, Kulithalai and the case stands posted for examination of the Investigation Officer on 15.11.2022. However, considering the gravity of offence, he strongly opposed to grant bail.

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5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 27.11.2021 and the charge sheet has already been filed and the same was taken on file as C.C.No.2 of 2022 before the learned Judicial Magistrate No.II, Kulithalai the case is posted for examination of the Investigation Officer on 15.11.2022, 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 No.II, Kulithalai.

(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 trial Court on all hearing dates 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/-

07/11/2022

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07/11/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ILAYARAJA R Advocate SR.No.12538

ORDER

IN

CRL OP(MD) No.19627 of 2022

Date :07/11/2022

SJI

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