



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2022

PRESENT

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

CRL OP(MD). No.19754 of 2022

Prasanna

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Golden Rock Police Station,
Trichy City.
(Crime No.989 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, 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. 989 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 08.10.2022 for the offence punishable under Sections 392 r/w 397 of IPC in Crime No.989 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.10.2022 at about 11.15 a.m., the petitioner along with other accused threatened the de-facto complainant with aruval and also taken away the two wheeler and cash Rs.2,600/- from him. Hence, the complainant.

3.The learned counsel for the petitioner would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court, dated 20.10.2022 in CrI.O.P.(MD)No.18828 of 2022. He would further submit that A2 and A3 were already arrested and released on bail by the trial Court and the petitioner is in judicial custody from 08.10.2022 and hence, he prays for bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner's earlier bail application was dismissed by this Court, dated 20.10.2022 in CrI.O.P.(MD) No.18828 of 2022. He would further submit that seven witnesses have been examined and major part of the investigation is almost over.



5. Considering the facts and circumstances of the case, so considering the period of incarceration and also the facts that the co-accused have already been released on bail and seven witnesses have already been examined, 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 No.5, Trichy.

(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/-

09/11/2022

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09/11/2022

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

TO

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

+1. CC to M/S.KARUNAKARAN K M Advocate SR.No.12653

ORDER IN

CRL OP(MD) No.19754 of 2022

Date : 09/11/2022

SJI

SA/SBN/SAR. /09.11.2022/2P/7C

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