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CRL OP(MD). N



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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.19769 of 2022

Abdhul Rahuman

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram
Tenkasi District.
(Crime No.224/2022).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N, 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.224/2022 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 18.09.2022 for the offences punishable under Sections 342 and 394 IPC @ 342, 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 30.06.2022, the accused persons trespassed into the de-facto complainant's house and tied his parents with rope and thereafter, stolen Rs.10,00,000/- and 98 sovereigns of gold jewels worth about Rs.24,70,000/- from his house. 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. He would further submit that A1, A2 and A5 to A9 were already granted bail by this Court in CrI.O.P.(MD) Nos.18389, 18728 and 19109 of 2022, dated 14.10.2022, 26.10.2022 and 28.10.2022 and some of the accused were released on bail by the

<https://www.hc.madras.gov.in/>



Principal Sessions Court, Tirunelveli. He would further submit that the petitioner is in judicial custody from 18.09.2022 and hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court. Further, the co-accused have already been released on bail. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the charge sheet has already been filed before the concerned Court and the co-accused have already been released on bail, 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 Court, Tenkasi, Tenkasi 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 as and when required for interrogation;

(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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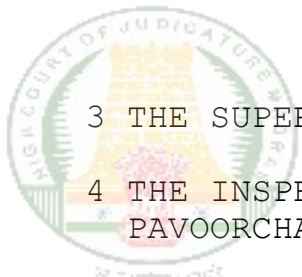
09/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TENKASI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, PAVOORCHATRAM POLICE STATION,
PAVOORCHATRAM, TENKASI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12640[I] dated
09/11/2022)

ORDER

IN

CRL OP(MD) No.19769 of 2022

Date :09/11/2022

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RS/VR/SAR.(09.11.2022) 3P-7C