



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.19806 of 2022

WEB COPY

Neelakandan

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Crime No.216/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramesh Kumar S,
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.216/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 30.09.2022 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. He would further submit that A1 was already arrested and released on bail by this Court in CrI.O.P.(MD) No.19523 of 2022, dated 04.11.2022 and the petitioner is in judicial custody from 30.09.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner is having six previous case and six witnesses have already been examined.



5. Considering the facts and circumstances of the case, considering the period of incarceration and also the facts that the co-accused has already been released on bail and six 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, 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].

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

+1 CC to M/s.S.RAMESH KUMAR, Advocate (SR-12728[I] dated 09/11/2022)

ORDER IN
CRL OP(MD) No.19806 of 2022
Date : 09/11/2022

SJI

RS/SBN/SAR. (09.11.2022) 2P-7C

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