



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19886 of 2022

Subash Chandra Bose, ... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Sivakasi Police Station,
Virudhunagar District.
(Crime No.108 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vijayaraja J,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

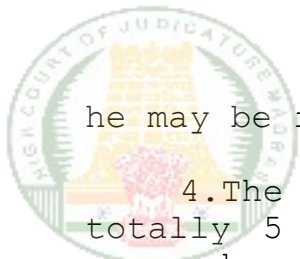
For Bail in Crime No.108 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 29.05.2022 for the offences punishable under Sections 392 and 411 of IPC, in crime No.108 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.03.2021, at about 12.30 p.m, when the defacto complainant proceeding towards the house, the petitioner along with other accused said to have waylaid the defacto complainant and tried to snatched a chain. At that time, the defacto complainant tried to prevent the same. In that struggle, the accused person took away a portion of the gold chain i.e., 4 sovereigns. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent. Based upon the confession of A1, this petitioner has been implicated in this case. The co-accused (A3, A4 & A5) were released on bail and the petitioner is in judicial custody from 04.02.2021. More than 528 days he is in custody. Hence,



he may be released on bail.

4.The learned Additional Public Prosecutor would submit that totally 5 accused are involved in this case. The petitioner was arrayed as A2. The petitioner is having 17 previous cases and he was already arrested and in custody in connection with other crime numbers. Insofar as this case is concerned, formal arrest was made by the respondent police on 29.05.2022. A3, A4 & A5 were released on bail and A1 is still in custody. After completion of investigation, charge sheet was filed before the concerned Court and the same was taken on file in C.C.No.32 of 2021. Considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that the charge sheet was filed before the concerned Court and the co-accused were 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 No.I, Sivakasi.

(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/-

17/11/2022

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.I,
Sivakasi.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District, Srivilliputhur.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Inspector of Police,
Sivakasi Police Station, Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KB/VR(17.11.2022) 3P 6C