



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19885 of 2022

D.Nagavel @ Naga Arjun

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.385 of 2013.

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik M.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.385 of 2013 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 05.09.2021 for the offence punishable under Section 397 of IPC, in crime No.385 of 2013 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons involved in the offence of robbery by using deadly weapons and tried to cause injury to the defacto complainant. 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 after completion of investigation, charge sheet was filed before the learned Chief Judicial Magistrate and the same was taken on file in S.C.No.103 of 2017. Since the petitioner was arrested and remanded in connection with another crime number, he was not in a position to appear before the Court, on 01.08.2022. Hence, NBW was issued against the petitioner and formal arrest was made by the respondent



police on 05.09.2022. Ever since, he is in prison. At the occurrence, the petitioner was not present in the place of occurrence. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner is having 11 previous cases. He would further submit that the investigation has been completed and the charge sheet has already been filed before the learned Chief Judicial Magistrate, Ramanathapuram and the same was taken on file in S.C.No.103 of 2017.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the case was taken on file as S.C.No.103 of 2017 before the learned Chief Judicial Magistrate, Ramanathapuram, this Court is inclined to grant bail to the petitioner.

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, Ramanathapuram 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 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].

7.Further, the Chief Judicial Magistrate, Ramanathapuram, is directed to complete the trial in S.C.No.103 of 2017 and dispose of the case, **within a month** from the date of receipt of a copy of this order.

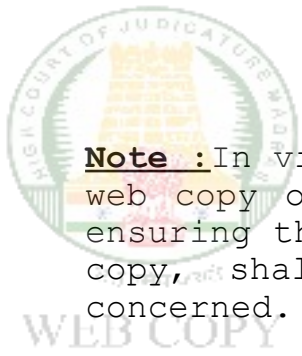
sd/-

10/11/2022

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10/11/2022

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.II,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAKARTHIK M.S. Advocate SR.No.12810

ORDER**IN**

CRL OP(MD) No.19885 of 2022
Date :10/11/2022

DSS
SA/TR/SAR. /10.11.2022/3P/7C