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CRL OP(MD). N



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

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

CRL OP(MD). No.20039 of 2022

Muthu

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Crime No.611 of 2022

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar.K.P,
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. 611/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

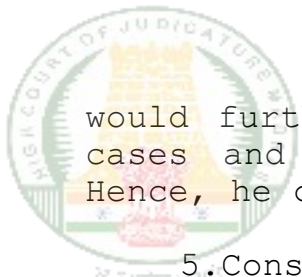
The petitioner/Accused, who was arrested and remanded to judicial custody on 18.10.2022 for the offences punishable under Section 394 of IPC, in Crime No.611 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.10.2022 at about 8.30 p.m., near Pottal Vilakku, the three unknown persons restrained the defacto complainant and snatched five sovereigns of gold jewels from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the first accused, the petitioner has been implicated as accused in this case. He is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 18.10.2022 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the property was recovered. He

<https://www.mhc.tn.gov.in/judis>



would further submit that the petitioner is having three cases and the investigation in this case is not yet completed. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the property has been recovered, 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, Tirunelveli.

(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/-

11/11/2022

/ TRUE COPY /

14/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



4 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.NARAYANAKUMAR K P Advocate SR.No.12876

ORDER

IN

CRL OP(MD) No.20039 of 2022

Date :11/11/2022

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SA/VR/SAR.3/14.11.2022/3P/7C