



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20500 of 2022

A.Pakkurudheen

... Petitioner/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
Crime No.187/2021

... Respondent/Complainant

For Petitioner : M/s.Alagesh Kumar V,
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.187/2021 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 23.07.2022 for the offences punishable under Section 392 of IPC in Crime No.187 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner committed the offence of robbery of 5 sovereigns of Gold Mangal Sutra worth about Rs.80,000/- from the neck of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicate in this case for statistical purpose. He would further submit that in this case investigation has been completed and the charge sheet has also been filed before the concerned Court and the same was taken on file in C.C.No.146 of 2022. Further, the petitioner is in judicial custody from 23.07.2022. Hence he may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police strongly opposed for grant of bail to the petitioner stating that only two sovereigns of stolen property has been recovered and remaining property is yet to be recovered and the petitioner is having 27 previous case. He would further submit that investigation in this case has been completed and the charge sheet has also been filed before the concerned court and the same was taken on file in C.C.No.146 of 2022.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that investigation has been completed and the charge sheet has also been filed before the concerned Court and the same was taken on file in C.C.No.146 of 2022, 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 District Munsif Cum Judicial Magistrate, Thiruppathur.

(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 appear before the concerned trial Court on each and every hearing 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].

sd/-

18/11/2022

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22/11/2022

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUPPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



4 THE SUB INSPECTOR OF POLICE, THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC TO MR.V.ALAGESH KUMAR, ADVOCATE, SR.NO.13386[I]

ORDER

IN

CRL OP(MD) No.20500 of 2022

Date :18/11/2022

CP

RS/VR/SAR.(18.11.2022) 3P-7C