



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21099 of 2022

Kishorekumar

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
(In Crime No.91/2022).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R,
Advocate.

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

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

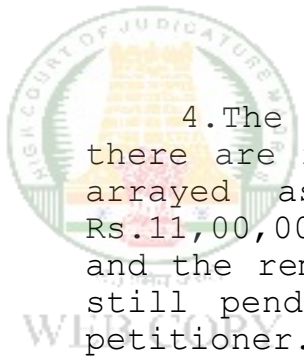
PRAYER :- For Bail in Crime No.91/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 397 IPC @ 341, 392, 397 and 120(B) IPC, in crime No.91 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.10.2022 at around 04.30 p.m., the petitioner along with other accused persons came in a Swift Car and restrained the de-facto complainant's car and they committed the offence of dacoity by using stickle and knife and also robbery of Rs.11,00,000/- and Redmi Mobile Phone worth of Rs.10,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused was already arrested and released on bail by the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.4515 of 2022, dated 31.10.2022. The petitioner is in judicial custody from 09.10.2022, hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that there are nine accused involved in this case and the petitioner is arrayed as A9. The total amount involved in this case is Rs.11,00,000/-. The respondent police was recovered Rs.2,40,000/- and the remaining amount is not yet recovered. The investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the co-accused were already released on bail by the trial Court, 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, Karaikudi and on further conditions that:

(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/-

29/11/2022

/ TRUE COPY /

29/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.ILAYARAJA R Advocate SR.No.13880

**ORDER
IN**

CRL OP(MD) No.21099 of 2022
Date :29/11/2022

SJI
SA/VR/SAR.2/29.11.2022/3P/7C