



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

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21306 of 2022

Surya @ Suriya

... Petitioner/2nd Accused

Vs

The State Rep. By,
The Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.
(Crime No.68/2021).

... Respondent/Complainant

For Petitioner : M/s.Arun A V,
Advocate.

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

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

PRAYER :-

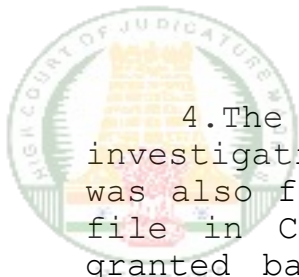
For Bail in Crime No.68/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 22.07.2022 for the offences punishable under Section 392 IPC in crime No.68 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have snatched the 7 ½ sovereigns of gold Mangal Sutra worth about Rs.70,000/- from the neck of the 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 and his name has been false implicated in this case. He would further submit that in this case investigation has been completed and the charge sheet was also filed before the concerned Court and the same was taken on file in C.C.No.142 of 2022. He further submitted that the petitioner is in judicial custody from 22.07.2022 and seeks bail.



4.The learned Additional Public Prosecutor would submit that investigation of this case has been completed and the charge sheet was also filed before the concerned Court and the same was taken on file in C.C.No.142 of 2022 and the co-accused has already been granted bail by this Court in Crl.O.P(MD).No.19533 of 2022. He would further submit that the petitioner herein is having eight previous cases and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that co-accused has already released on bail and that the charge sheet was filed before the concerned Court and also considering the period of incarceration, 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, Thiruppathur and on further condition 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 appear before the concerned Court on each and every hearing date 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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/12/2022

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01/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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

+1 CC to M/s.A.V.ARUN, Advocate (SR-14141[I] dated 01/12/2022)

ORDER

IN

CRL OP(MD) No.21306 of 2022

Date :01/12/2022

trp

USK/SSS/SAR-III/01.12.2022/3P/7C