



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



Date : 05/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP (MD) . No.21391 of 2022

Chellakannu

... Petitioner/Accused Rank Not Known

Vs

The Inspector of Police,
Thiruvonam Police Station, Thanjavur
District (Crime No.792 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muneeswaran B,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.792 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 16.11.2022 for the offences punishable under Sections 379 of IPC in Crime No. 792 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Rengaraj is that on 24.10.2022, when the petitioner returning to home after finishing his work, the accused persons said to have waylaid the defacto complainant and snatched a mobile phone and a sum of Rs.20,000/- . Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner's name was not found in the FIR and he is not having any previous case. He would further submit that he is in custody from 16.11.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the cell phone has been recovered from the accused and no previous case is pending against the petitioner.



However, he opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the facts that no bad antecedent is reported against the petitioner and the cell phone was recovered from the accused, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Orthanadu, Thanjavur District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

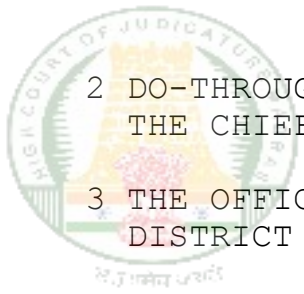
6. With the above directions, this Criminal Original Petition is ordered.

sd/-
05/12/2022

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



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

3 THE OFFICER IN CHARGE,
DISTRICT JAIL, THANJAVUR, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION, THANJAVUR
DISTRICT

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

+1. CC to M/S.MUNEESWARAN B Advocate SR.No.14320

ORDER
IN
CRL OP(MD) No.21391 of 2022
Date :05/12/2022

MGJ/SSS/SAR 4(05.12.2022) 3P 7C