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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2022

PRESENT

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

CRL OP(MD). No.22407 of 2022

Paul Davidson

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
Crime No.668 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.668 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 23.11.2022 for the offence punishable under Sections 394 r/w. 397 and 506(ii) IPC in Crime No.668 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with four accused entered into the shop of the defacto complainant and demanded a sum of Rs.10,000/- by showing a knife. When the defacto complainant refused to give money, A1 attacked him with knife and caused injuries and thereafter, snatched the key of the cash box from the defacto complainant and robbed a sum of Rs.30,000/-. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that due to salary dispute, it has been falsely prejudiced as a case of robbery and the name of the petitioner is also not found in the FIR and the co-accused viz., A1 has already been granted bail by the trial Court in Cr.M.P.No.7213 of 2022. He further contended that the petitioner is in judicial custody from 23.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is no previous case against the petitioner. He would further submit due to previous motive, the petitioner has attacked the defacto complainant with knife and caused injuries and also robbed a sum of Rs.30,000/- and hence, he strongly opposed to grant bail to the petitioners.

5. Heard and perused the documents available on record. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 23.11.2022, 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 No.V, Madurai, 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 appear before the respondent police daily at 10.00 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 FIF registered under Section 229A IPC.

sd/-
19/12/2022

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19/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, MELUR, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHISH KUMAR K Advocate SR.No.15086

**ORDER
IN**

CRL OP(MD) No.22407 of 2022
Date :19/12/2022

TRP
SA/SSS/SAR. /19.12.2022/3P/7C