



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

Date : 20/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22555 of 2022

Nambirajan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Sub Inspector of Police,
Medical College Police Station,
Tirunelveli City.
(Crime No.138/2022).

... Respondent/Complainant

For Petitioner : M/s. Jegadeesha Pandian.V.M,
Advocate

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

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

PRAYER :-

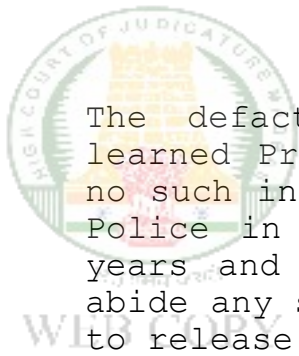
For Bail in Crime No.138/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 10.12.2022, for the offence punishable under Section 397 of I.P.C in Crime No. 138 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.12.2022, when the defacto complainant was doing his fruit selling business and accused persons picked up Rs.18,090/- from his pocket. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is in no way connected with the offence. However, he admitted that few cases were registered against the accused and in order to curtail the further activities of the petitioner, this false case has been registered against him.



The defacto complainant already filed an affidavit before the learned Principal Sessions Judge, Tirunelveli, to the effect that no such incident was happened and his signature was obtained by the Police in a blank white sheet. The petitioner is aged about 19 years and he is in judicial custody from 10.12.2022 and ready to abide any stringent condition, imposed by this Court. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and he is having eight previous cases at his credit, in which, one case was registered under Section 302, two cases were registered for the offence of theft and another two cases were registered for the offence of robbery. Hence, he strongly opposed to grant bail to the petitioner.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and considering the affidavit filed by the defacto complainant and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each (one surety shall be either father or mother of the petitioner) for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tirunelveli**, 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 daily at 10.30 a.m., and 05.30 p.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.

sd/-
20/12/2022

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/ TRUE COPY /

20/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, NANGUNERI,
TIRUNELVELI DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
TIRUNELVELI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.JEGADEESHA PANDIAN.V.M ---, Advocate (SR-15222[I]
dated 20/12/2022)

ORDER
IN
CRL OP(MD) No.22555 of 2022
Date :20/12/2022

pnm
USK/SSS/SAR- /20.12.2022/3P/7C