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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23290 of 2022

John Peter

... Petitioner/Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(In Crime No.371 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Mohamed Riyaz.A,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No 371 of 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 20.11.2022 for the offence punishable under Sections 392 IPC @ 395 IPC @ 397 of IPC in Crime No.371 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.11.2022 the petitioner along with other accused said to have committed robbery of Rs.9,00,000/- from the defacto complainant. Hence the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely

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



implicated in this case. He would further submit that the petitioner does not found place in the First Information Report and he has been implicated as an accused based on the confession given by the co-accused. He would further submit that the petitioner is in judicial custody from 20.11.2022, hence he seeks bail.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner said to have committed theft of Rs.9,00,000/- from the defacto complainant. Hence he opposed to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner, co-accused were released on bail and sum of Rs.6,70,000/- has been recovered.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that no previous case is pending against the petitioner and also the fact that co-accused were released on bail and also the fact that part of the amount has been recovered, 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.I, Sivagangai 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., 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 or 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/-

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.23290 of 2022

Date :28/12/2022

RK/MMS/SAR- (28/12/2022) 3P/6C