



WEB COPY

Crime



21

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

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

CRL OP(MD) . Nos.737 and 738 of 2023

Bharathiraja

... Petitioner/Accused No.Unknown
in both petitions

Vs

The state rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
Crime No.819 of 2021
Crime No.956 of 2022

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioner : M/s.Anand K,
Advocate.

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

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

COMMON PRAYER :-For Bail in Crime NoS.819/2021 and 956 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused in Crl.O.P(MD) No.737 of 2023, who was arrested and remanded to judicial custody on 30.12.2022, for the offences under Section 392 of IPC in Crime No.819 of 2021 and the The petitioner/accused in Crl.O.P(MD) No.738 of 2023, who was arrested and remanded to judicial custody on 30.12.2022, for the offences under Section 392 of IPC in Crime No.956 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P(MD) No.737 of 2023 is that on 14.11.2022 while she was travelling in a two wheeler along with his family friend three unknown person waylaid them and snatched 5 ¼ sovereigns of thali chain and thereby the case came

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3. The case of the prosecution in CrI.O.P(MD) No.738 of 2023 is that on 03.10.2022 at about 8.00 pm., while he was returning after visiting his friends house in his two wheeler when he had gone to attend nature's call a person aged about 25 years old had snatched his chain weighing about 12grams and also robbed a sum of Rs.6000/- by showing knife and escaped from the scene of occurrence and thereby the case came to be registered.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is aged about 22 years and he was arrested on suspicion. Later the news was flashed in a paper as if from the petitioner certain jewels were recovered and thereafter he was remanded in this case. He would further submit that the petitioner has got permanent residence and he is in judicial custody from 30.12.2022. He would further submit that in the above two cases he has been implicated on suspicion and he got one previous case under the banned tobacco products Act. He would further submit that so far as crime No. 819 of 2021 is concerned though the alleged occurrence has taken place on 14.11.2021 the complaint was given only on 02.12.2021 which makes it clear that after arrest of the petitioner he has been implicated in this case. He would further submit that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence he seeks bail.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and he is involved in so many cases and the stolen properties have been recovered from him, hence he objected to grant bail to the petitioner.

6. Heard. Perused the materials available on record including the First Information Report in both the cases.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, 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 (of which one shall be the father or mother of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.



[c] the petitioner shall report before the responder daily at 10.30 A.M and 5.30 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/01/2023

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23/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
VALLAM POLICE STATION, THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

+2. CC to M/S.ANAND K Advocate SR.No.953 & 954

ORDER IN

CRL OP(MD) Nos.737 & 738 of 2023

Date :23/01/2023

AAV

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