



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2419 of 2023

Jenald

... Petitioner/Accused 2

Vs

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.6 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sivakumar.S,
Advocate.

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

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

PRAYER :-

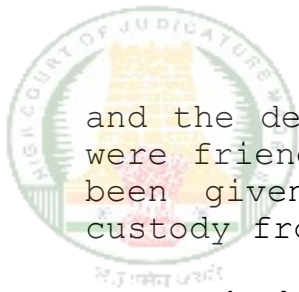
For Bail in Crime No.6 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 04.01.2023 for the offence punishable under Sections 364 (A), 386, 395, 506(ii) of IPC in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.01.2023 at about 11.30 p.m., when the defacto complainant along with his friend were coming towards their house the petitioner along with other accused threatened the defacto complainant with knife and took Rs.2000/- from the defacto complainant and Rs.200/- from the pocket of the defacto complainant and took them in their custody and demanded amount from their parents, hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that admittedly the petitioner



and the defacto complainant hail from same locality and they were friends and due to some misunderstanding a false complaint has been given. He would further submit that the petitioner is in custody from 04.01.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused had threatened him with knife and taken him to secluded place had robbed a sum of Rs.2000/-. He would further submit that the petitioner is having one previous case under Section 323 of IPC, hence he objected to grant bail to the petitioner.

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 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, Kuzhithurai 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 respondent police 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].



CRL OP(MD)



23

[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

07/02/2023

/ TRUE COPY /

07/02/2023

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

WEB COPY

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE, MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-1896[I] dated 07/02/2023)

ORDER

IN

CRL OP(MD) No.2419 of 2023

Date :07/02/2023

RS/VR/SAR.(07.02.2023) 3P-7C