



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.3081 of 2023

Dhivakar @ Divakar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ganeshnagar Police Station,
Pudukkottai,
Pudukkottai District.
Crime No.16 of 2023.

... Respondent/Complainant

For Petitioner : M/s.BALAJI A,
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.16 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 12.01.2023 for the offences punishable under Sections 392 r/w.397, 506(ii) of IPC in Crime No.16 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.01.2023 in the early morning the petitioner herein waylaid the defacto complainant and robbed a sum of Rs.200/- and also threatened with dire consequences, hence the case.

3. The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application for bail was dismissed on the ground that the petitioner has got 8 previous cases, out of which one case is under section 302 of IPC and inorder to curtail the activities of the petitioner a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 12.01.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein waylaid the defacto complainant and robbed a sum of Rs.200/- and also threatened with dire consequences and the investigation is only in the preliminary stage, hence he objected to grant bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that in one case the petitioner got acquitted and he is ready to abide by any stringent conditions that may be imposed on him by this Court.

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

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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pudukottai 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 6.30p.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).



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

sd/-

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16/02/2023

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,
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAJI A Advocate SR.No.2464

ORDER

IN

CRL OP(MD) No.3081 of 2023

Date :16/02/2023

SA/VR/SAR. /16.02.2023/3P/7C