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CRL OP(MD).



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

Date : 20/02/2023

PRESENT

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

CRL OP(MD) . No.2811 of 2023

Sankar

... Petitioner/Accused NO.4

Vs

THE STATE REP.BY,
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District (Crime No.14 of 2023).
... Respondent/Complainant

For Petitioner : M/s.Selvan.T, 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.14 of 2023 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 31.01.2023, for the offence punishable under Sections 420, 392, 120(B), 413 of I.P.C in Crime No. 14 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.01.2023, the accused persons have stolen the cell phone, gold chain and cash of Rs.500/- from the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The name of the petitioner is not found in the FIR and he is in no way connected with the offence. Based on the confession of co-accused, he was roped into the case. The petitioner is in judicial custody from 31.01.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the accused persons have stolen the cell phone, gold chain and cash of Rs.500/- from the defacto complainant. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Nanguneri**, 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;

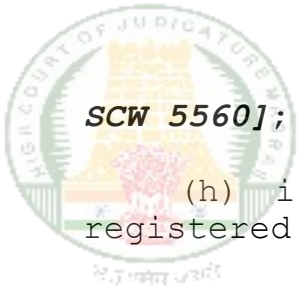
(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(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 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**



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(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.

PNM

TO

1. The Judicial Magistrate, Nanguneri
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai
4. The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District (Crime No.14 of 2023).
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.2811 of 2023

Date : 20/02/2023

NA/BUC/SAR-III (20/02/2023) 3P/6C