



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.2795 of 2023

Sudaliyamuthu

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
Crime No. 8 of 2023.

... Respondent/Complainant

For Petitioner : M/s.SARAVANAN.D,
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.8 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 14.01.2023 for the offence punishable under Sections 392 r/w.397 of IPC in Crime No.8 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.01.2023 the accused persons entered into the company in which the defacto complainant and others who were North Indians were working and snatched the aadhar card of the defacto complainant and mobile phone from three other persons, hence the case.

3. 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 there was quarrel and dispute between the petitioner and the labours who are North Indians the respondent police has registered a case as though the petitioner along with other accused have robbed their mobile phone. He would further submit that the petitioner is in judicial



custody from 14.01.2023 and no previous case is pending against the petitioner, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused have waylaid the North Indian labours who are working in Kanagaraj plastic company and while assaulting them aruval had robbed four cell phones, hence he objected to grant bail to the petitioner. He would further submit that no previous case is pending against 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 and also the fact that no previous case is pending against the petitioner, 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.V, Tirunelveli 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., 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].



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

sd/-
13/02/2023

/ TRUE COPY /

13/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVLEI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARAVANAN.D Advocate SR.No.2226

ORDER

IN

CRL OP(MD) No.2795 of 2023
Date :13/02/2023

SA/VR/SAR. /13.02.2023/3P/7C