



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/02/2023
PRESENT

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

CRL OP(MD) . No.3309 of 2023

M.Santhoshkumar @ Tongan Santh ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Jaihindpuram Police Station,
Madurai.
(Crime No.37/2023).

... Respondent/Complainant

For Petitioner : Mr.DINESH K,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

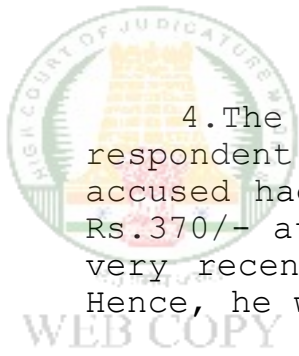
PRAYER :- For Bail in Crime No.37/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 20.01.2023 for the offence punishable under Sections 392, 397 and 506(ii) IPC in Crime No.37 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.01.2023 at about 05.30 a.m., when the de-facto complainant was coming along with one Ramesh near T.P.K. Road, the petitioner along with other accused at knife point threatened the de-facto complainant and robbed a sum of Rs.370/- from his pocket and also threatened him 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 bail application in Crl.O.P.(MD)No.2823 of 2023 was dismissed by this Court dated 13.02.2023 on the ground that the petitioner has got seven previous cases. He would further submit that in all the cases, petitioner has been acquitted and even as per the FIR, the petitioner and the de-facto complainant are stated to be known to each other and on the very reading of the FIR would go to show that it is only registered for the purpose of detaining the petitioner under Act 14 of 1982 and thereby, he would seek for bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner along with the other accused had threatened the de-facto complainant and robbed a sum of Rs.370/- at knife point. He would further submit that this Court had very recently dismissed the petitioner's earlier bail application. Hence, he would object for grant of bail.

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

6.Taking into consideration of the facts and submissions and that the petitioner is in judicial custody from 20.01.2023, 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.4, Madurai, 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 05.30 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/-

21/02/2023

/ TRUE COPY /

21/02/2023

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



SJI

TO

1 THE JUDICIAL MAGISTRATE NO.4,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI.

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

+1. CC to M/S.DINESH K Advocate SR.No.2557

ORDER

IN

CRL OP(MD) No.3309 of 2023

Date :21/02/2023

SA/SBN/SAR. /21.02.2023/3P/7C