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CRL OP(MD).



23

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

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4040 of 2023

Kaleel Rahman

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Town West Police Station,
Dindigul,
Dindigul District.
(Crime No.35/2023).

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S,

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.35 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 24.01.2023, for the offence punishable under Sections 393, 394, 397, 506(ii) of I.P.C in Crime No. 35 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.01.2023 at about 09.30 a.m., the accused person entered into the Indian Overseas Bank, Thadikombu and on the point of knife, demanded the locker key from the defacto complainant, who is working as an Appraiser in the said Bank. The defacto complainant had replied that the key is with the Manager only. The accused tied the defacto

<https://www.hc.madras.gov.in/judis>



complainant and other staff of the Bank. While the Manager entered into the Bank around 10.00AM, one Clerk Karuppusamy released his hand and safe guard the Manager. Afterwards, the Manager and said Karuppusamy caught hold the accused and confined him in the Battery Room. Hence, the complaint.

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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is aged about 22 years. The petitioner has got some mental disorder and behaved in an abnormal manner in the Bank and has also created suspicion and quarrelled with the staff. The petitioner was detained in the Battery Room and then handed over to the respondent Police. The petitioner is also resident of the very same village. The petitioner is in judicial custody from 24.01.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that though the petitioner is not having any previous case, as per the report received from NAFIS, the petitioner had been armed with knife, chilli powder and pepper spray and entered into the Bank and attempted to commit robbery in the Bank. 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 No.I, Dindigul**, 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 SCW 5560]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/03/2023

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02/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate No.I, Dindigul.
2. Do-Through The Chief Judicial Magistrate,
Dindigul District.
3. The Superintendent, District Prison, Dindigul.
4. The Inspector of Police,
Town West Police Station, Dindigul,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-3241[I] dated 02/03/2023)

ORDER
IN
CRL OP(MD) No.4040 of 2023
Date : 02/03/2023

NA/SBN/SAR-I/02.03.2023/3P/7C