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CRL OP(MD).



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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.4107 of 2023

Kanthan

... Petitioner/Accused

Vs

State through,
The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No.243 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh C,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.243 of 2022 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 16.12.2022, for the offence punishable under Sections 392 and 397 of IPC, in Crime No. 243 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.12.2022, the accused persons were committed robbery of Rs.12,000/- 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

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this case. He is in noway connected with the offence. The petitioner is not having any previous case. The petitioner is in judicial custody from 16.12.2022. 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 at his credit, the accused persons have committed robbery of Rs.12,000/- 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 and also considering the fact that the petitioner is not having any bad antecedent, 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.III, Tirunelveli**, 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., 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]**;



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(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.III, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai
4. The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4107 of 2023
Date : 02/03/2023

NA/SSS/SAR/02.03.2023/3P/6C