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CRL OP(MD).



23

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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4352 of 2023

Mahendran

... Petitioner/Accused  
(Rank Not Known)

Vs

The State rep. by,  
The Inspector of Police,  
Kumbakonam West Police Station,  
Thanjavur District.  
Crime No.75 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

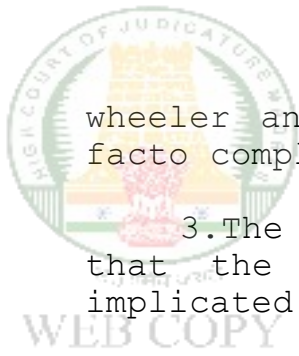
PRAYER :-

For Bail in Crime No.75 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 30.01.2023 for the offence punishable under Section 392 IPC in Crime No.75 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.01.2023, the de-facto complainant went to Anumarkulam nearby Railway Station, at <https://www.tn.gov.in> the petitioner along with other accused came by two



wheeler and robbed a cellphone worth of Rs.10,000/- from de-facto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused came by two wheeler and robbed a cellphone worth of Rs.10,000/- from the de-facto complainant. The alleged cellphone was recovered and the petitioner is having two previous cases. Hence, he would object for grant of bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District, 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 stay at Karur and report before the Inspector of Police, Karur Town Police Station, Karur daily at 10.30 a.m., and 05.30 p.m., for a period of four weeks and thereafter, 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



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

sd/-  
07/03/2023

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

SJI

TO

1. The Judicial Magistrate No.I,  
Kumbakonam, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,  
Thanjore District.
3. The Officer In-Charge, Sub Jail, Kumbakonam.
4. The Inspector of Police,  
Kumbakonam West Police Station,  
Thanjavur District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police,  
Karur Town Police Station,  
Karur.

+1 CC to M/s.VEERAPANDI P, Advocate ( SR-3548[I] dated 07/03/2023 )

ORDER  
IN  
CRL OP(MD) No.4352 of 2023  
Date : 07/03/2023

NA/SBN/SAR/07.03.2023/3P/8C