



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5367 of 2023

Md Faiyaz Basha

... Petitioner/Accused 2

Vs

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.474/2022..

... Respondent/Complainant

For Petitioner : M/s.Sivakuamr S,
Advocate.

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

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

PRAYER :-

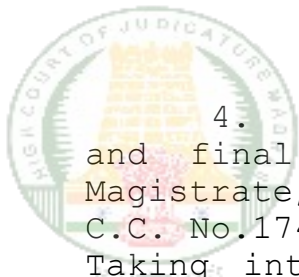
For Bail in Crime No.474 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /Accused who was arrested and remanded to judicial custody on 15.02.2023 for the offence under section 392 of IPC in Crime No.474 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the when the defacto complainant was going in the two wheeler the petitioner herein snatched three sovereigns of gold chain from the neck, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.



4. It is seen that in this investigation has been (ed and final report has been filed before the learned Judicial Magistrate, Kuzhithurai and the same has been taken cognizance in C.C. No.174 of 2023. Further the stolen property has been recovered. Taking into consideration the facts and submissions made by the learned counsels and also 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, Kuzhithurai 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 5.30P.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/-
23/03/2023

/ TRUE COPY /

23/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3. THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGERCOIL.

4. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-4702[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.5367 of 2023

Date :23/03/2023

RK/MMS/SAR-(23/03/2023) 3P/7C