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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2023

PRESENT

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

CRL OP(MD) . No.8091 of 2023

P.Balaji

... Petitioners/Accused No.2

Vs

The State represented by
The Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.
Crime No.5/2023..

... Respondent/Complainant

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

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

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

PRAYER :-

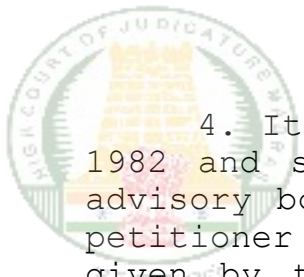
For Bail in Crime No.5/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 10.01.2023 for the offence under section 392 of IPC in Crime No.5 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 06.01.2023 at about 11.00 pm., while the defacto complainant along with friend was coming in a two wheeler, a two wheeler came back in high speed and likely to hit the vehicle of the defacto complainant, at that time an indentified person who sat in the back seat said to have snatched the neck chain and hand chain of the defacto complainant and a cell phone and fled away from the scene of occurrence, hence the case.

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



4. It is seen that the petitioner was detained under Section 167 of Cr.P.C. of 1982 and subsequently it was challenged and not confirmed by the advisory board and the detention order was set aside. Further the petitioner has been implicated as an accused based on the confession given by the co-accused. 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, Oddanchatram, Dindigul 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 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.

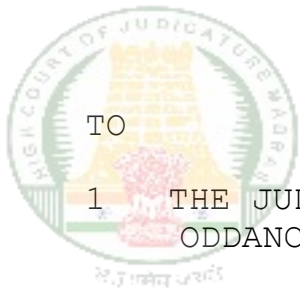
sd/-

27/04/2023

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27/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE
REDDIARCHATRAM POLICE STATION, DINDIGUL DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

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

+1 CC to M/s.BALAJI.S, Advocate (SR-6684[I] dated 27/04/2023)

ORDER

IN

CRL OP(MD) No.8091 of 2023

Date :27/04/2023

SS/SSS/SAR /27/04/2023/3P/7C