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CRL OP(MD)



23

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

Date : 02.06.2023

PRESENT

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

CRL OP(MD)No.9440 of 2023

1.Surya @ Suryavarman
2.Bharani @ Bharanitharan ... Petitioners / Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Swamimalai Police Station
(Crime No.390 of 2022) ... Respondent / Complainant

For Petitioners : Mr.G.Karuppasamy Pandiyan

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.390 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

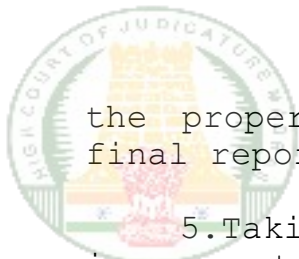
The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 10.02.2023 for the offences under sections 392 IPC in Crime No.390 of 2022 on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners snatched away the gold nuptial chain of the defacto complainant on 21.06.2022. 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 petitioners are having so many previous cases, which are similar in nature. However, in the present case,

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the property was recovered and investigation also completed and final report also filed.

5. Taking into consideration of the facts and also the period of incarceration, this court is inclined to grant bail to the petitioners on condition that the petitioner shall file an undertaking affidavit stating that they will not be involved in similar offence in future. If they are involved in any offence in future, the bail granted to the petitioners shall stand cancelled automatically and the respondent police is at liberty to secure the petitioners.

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (blood related sureties) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam 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 petitioners shall stay at Tharapuram and report before the Inspector of Police, Tharapuram Police Station daily morning at 10.30 am, and evening 05.00 pm., for a period of four weeks and thereafter, report before the respondent police daily morning at 10.30 am., and evening 05.00 pm., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

02/06/2023

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02/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION.

4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

COPY TO:

The Inspector of Police,
Tharapuram Police Station.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-7959[I] dated
02/06/2023)

ORDER

IN

CRL OP(MD) No.9440 of 2023

Date :02/06/2023

GNS

SI/VR/ 02.06.2023 **3P 8C**