



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.10972 of 2023

Esakkimuthu

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
(Crime No.214/2023)

... Respondent/Complainant

For Petitioner : M/s.Mohanasundaram M,
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.214 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 11.05.2023 for the offence under section 392 of IPC in Crime No.214 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 11.05.2023 at about 7.45 p.m., when the defacto complainant and his daughter were walking Madavar Valagam Arch on the Srivilliputhur to Rajapalayam main road an unidentified person came from the backside and robbed a gold chain weighing about one sovereign of gold worth about Rs.20,000/- from the neck of the daughter of the defacto complainant, hence the case.

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



4. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration and also the fact that the property has been recovered, 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.II, Srivilliputhur 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 Karur Town Police station daily at 10.30 A.M. And 5.30 P.M., for a period of two weeks and thereafter before the respondent police daily at 10.30 am., 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/-

20/06/2023

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20/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.



4 THE INSPECTOR OF POLICE, SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

WEB COPY
COPY TO

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

+1 CC to M/s.M.MOHANASUNDARAM, Advocate (SR-9146[I] dated
20/06/2023)

ORDER
IN
CRL OP(MD) No.10972 of 2023
Date :20/06/2023

RS/SSS/SAR-(20.06.2023) 3P 8C