



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

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11783 of 2023

WEB COPY

1. Mohamed Farith

2. Mohamed Hajahan ... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No.62 of 2023.. ... Respondent/Complainant

For Petitioners : M/s.Dhilipan Pandian R.L.,
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.62 of 2023 on the file of the Respondent Police.

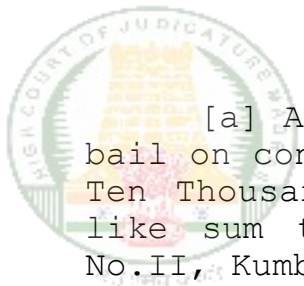
ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 03.05.2023 for the offence under section 392 IPC in Crime No.62 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 28.01.2023 the accused persons robbed six sovereigns of gold chain from the wife of the defacto complainant while she was travelling with her husband in a two wheeler, 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 made 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 petitioners , subject to the following conditions:



[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 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 Rajapalayam and report before the Rajapalayam Police Station daily at 10.30 am., and 5.30 pm., for a period of six weeks and thereafter before the respondent police daily at 10.30 am., and 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

[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/-
30/06/2023

/ TRUE COPY /

30 /06 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



TO

1. The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.
2. -do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
3. The Officer In-Charge, Sub Jail, Kumbakonam.
4. The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
5. The Inspector of Police,
Rajapalayam Police Station,
Virudhunagar District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.11783 of 2023

Date :30/06/2023

RD (30/06/2023) 3P 7C