



CRL OP(MD). No.18168 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18168 of 2023

1. Santhakumar,

2. Madhu,

3. Raja @ Karthik,

... Petitioners/ Accused Nos. 1 to 3

Vs

State Rep.by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.251 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Karuppaiah G,Advocate.

For Respondent : Mr.RMS.Sethuraman,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime.No.251 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.18168 of 2023

on 03.09.2023 for the alleged offence punishable under Sections 395 and 397 IPC, in Crime No.251 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 03.09.2023, the petitioners herein have robbed a cell phone worth about Rs.5,000/- and a cash of Rs.1,000/- from the de facto complainant by showing sword. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in jail from 03.09.2023 and hence, seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the first petitioner already detained under Goondas Act and hence, this petition was dismissed against him on 03.11.2023 and the property has also been recovered from the petitioners. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioners and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.



CRL OP(MD). No.18168 of 2023

6. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai and on further conditions that:

(i) the petitioners shall affix their photograph 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.

(ii) the petitioners shall appear before the trial Court twice a month i.e., on 1st and 15th day of every English Calender month at 10.30 am until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned 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].



CRL OP(MD). No.18168 of 2023

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
16/11/2023

/ TRUE COPY /

16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.



CRL OP(MD). No.18168 of 2023

WEB COPY

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

ORDER
IN
CRL OP(MD) No.18168 of 2023
Date :16/11/2023

PKP/16.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023