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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18433 of 2023

Gopi,

... Petitioner/ Accused No.9

Vs

The State rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
Crime No. 623/2023.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,
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. 623 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A9, who was arrested and remanded to judicial custody on

22.09.2023 for the alleged offences punishable under Sections 120(B) and 399 IPC in

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



Crime No.623 of 2023 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that while the respondent police was in patrol duty, the petitioner herein and other accused have assembled with deadly weapons and they were plan to committee decoity. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the the petitioner name is not found in FIR and he is in jail from 22.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein and other accused said to have attempted to commit robbery. He would further submit that the investigation of the case is pending and hence, objected to grant bail to the petitioner.

5. Considering the nature of allegations made against the petitioner and that his name is not found in the FIR and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme

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



Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.VI, Madurai District and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure their identity.;

(ii) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

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

(iv) the petitioner 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 petitioner in accordance with

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



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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/10/2023

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13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 The Judicial Magistrate No.VI, Madurai District.

2 Do through the Chief Judicial Magistrate,
Madurai District.

3 The Superintendent, Central Prison, Madurai.

4 The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-15154[I] dated 13/10/2023)



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ORDER
IN
CRL OP(MD) No.18433 of 2023
Date :13/10/2023

SSA/13.10.2023/5P/7C

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