



CRL OP(MD)No.18936 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18936 of 2023

B.Yogeshwaran

... Petitioner/ Accused Rank No.1

Vs

State Rep.by
The Inspector of Police,
Keerathurai Police Station,
Madurai District.
(Crime No.888 of 2023)

... Respondent/ Complainant

For Petitioner	:	Mr.K.Dinesh, 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.888 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Sections 392, 397 and 506(2) IPC in Crime No.888 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2023, at about 08.00 am., when the defacto complainant and his friend gone to public toilet, the accused persons came there and threatened them and committed robbery of Rs.1,000/- at knife point. Hence



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the case.

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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 25.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused have threatened the defacto complainant at knife point and committed robbery of Rs.1,000/-. That apart, the petitioner is having three previous cases. Hence, he strongly objected to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and considering the period of incarceration and 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 as against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate,



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No.IV, Madurai District and on further conditions that:

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(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

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

(v) the petitioner shall not abscond during trial.

(vi) 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 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].

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

sd/-
19/10/2023

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19/10/2023

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

gns

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, KEERATHURAI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.DINESH, Advocate (SR-15425[I] dated 19/10/2023)

ORDER

IN

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Date :19/10/2023

RS//SAR-(19.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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