



CRL OP(MD). No.19677 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Pradeesh @ Peruvali,
2. Sakthivel @ Mandhi Sakthivel,

... Petitioners/ Accused 1&2

Vs

The State rep. by,
The Sub Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
Crime No. 302 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.Adithya Vijayalayan.N
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.302 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who were arrested and remanded to judicial custody on 11.10.2023 for the alleged offences punishable under Sections 397 of IPC and Section 25(1-A) of Arms Act in Crime No.302 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners demanded money for buying liquor and when the same was refused by the defacto complainant the petitioners herein caught hold the defacto complainant and at knife point robbed a sum of Rs.2000/- from his pocket. Hence the case.

3.The learned counsel appearing for the petitioners would contend 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 custody from 11.10.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that at knife point the petitioners herein robbed a sum of Rs.2000/- from his pocket of the defacto complainant, hence he objected to grant bail to the

petitioners

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



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5. Considering the facts and circumstances and also 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Palani and on further conditions that:

(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 petitioners shall appear before the respondent police once in a week on every Monday at 10.30 am., until further orders.

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

(v) the petitioners 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 petitioners in accordance with



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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].

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

sd/-
29/11/2023

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29/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1. The Judicial Magistrate, Palani.
2. Do through the Chief Judicial Magistrate, Dindigul.
3. The Officer Incharge, District Jail, Dindigul
4. The Sub Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.D.VENKATESH,Advocate SR-17074 dated 30/11/2023



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ORDER
IN
CRL OP(MD) No.19677 of 2023
Date :29/11/2023

SSA/29.11.2023/5P/7C

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