



CRL OP(MD). No.20124 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Nilesh @ Neela Manikandan,

2. Nandakumar,

3. Mohamed Isshaak,

4. Jayaprakash,

... Petitioners/ Accused 1 to 4

Vs

The Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
Cr.No.46/2023.

... Respondent/ Complainant

For Petitioner : M. Subash Chandra Bose,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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



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PRAYER :-

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For Bail in Crime No. 46/2023 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 on 24.10.2023 for the alleged offence punishable under Sections 399 and 402 IPC, in Crime No.46 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on receiving a secret information, the respondent police visited the spot and caught the petitioners and others with deadly weapons. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners herein were arrested and they are in jail from 24.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent



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submitted that the petitioners herein have attempted to commit robbery. He would further submit that the investigation of the case is pending and hence, strongly objected to grant bail to the petitioner.

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.

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Keernaur, Pudukkottai District and on further conditions that:

(i) the petitioners shall appear before the trial Court on receipt of summons as directed by the trial Court.

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



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(iii) the petitioners shall not abscond during trial.

(iv) 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 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].

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

sd/-
22/11/2023

/ TRUE COPY /

22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp



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TO செய்து அளித்தல்

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1. The Judicial Magistrate, Keernaur, Pudukkottai District
2. Do through the Cheif Judicial Magistrate, Pudukkottai District
3. The Superintendent, Central Prison, Trichy.
4. The Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.20124 of 2023

Date :22/11/2023

SSA/(22.11.2023)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.