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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22733 of 2022

Sivaprakash

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
(Crime No.247/2022).

... Respondent/Complainant

For Petitioner : M/s. Jeyakarthik.M.S, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.247/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 24.11.2022 for the offence punishable under Section 397 IPC in Crime No.247 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.11.2022, the petitioner along with other accused had committed robbery of Rs.5,000/- from the de-facto complainant with knife point.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 24.11.2022. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused had committed robbery of Rs.5,000/- from the de-facto complainant



with knife point and that the petitioner has got one previous conviction. Hence, he opposed for grant of bail.

5. Heard. Perused the materials available on record including the FIR.

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6. Taking into consideration of the facts and submissions and that the petitioner is in judicial custody from 24.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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, Ottapidaram, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily morning at 10.30 a.m and evening at 05.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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02/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, PERURANI DISTRICT JAIL,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE, OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.JEYAKARTHIK.M.S, Advocate (SR-2[I] dated 02/01/2023)

ORDER

IN

CRL OP(MD) No.22733 of 2022

Date :02/01/2023

RS/VR/SAR.(02.01.2023) 3P-7C