



CRL OP(MD). No.21301 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Kalaiyarasan

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Kallal Police Station,
Sivagangai District.
In Crime No.133/2023..

... Respondent/Complainant

For Petitioner : Mr.A.Mohan, Advocate for
M/s.Karuppiah.G, 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.133/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

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



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28.08.2023 for the alleged offence punishable under Section 394 IPC in Crime No.133

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of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.08.2023, the petitioner herein and other accused have robbed a sum of Rs.12,100/- from the defacto complainant by transferring money through phone pay by showing knife. 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 petitioner's father died on 22.11.2023 and hence, he has to attend the funeral ceremony and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent on verification submitted that the petitioner's father died on 22.11.2023. He would further submit that it is a second bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 21.11.2023 and the petitioner is in jail from 28.08.2023 and the investigation of the case is pending.



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5. Considering the fact that the petitioner's father died on 22.11.2023 and that he has to attend the funeral ceremony 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 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Karaikudi and on further conditions that:

(i) the petitioner shall appear before the respondent police once in a week i.e., on every Monday at 10.30 am until further orders;

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

(iii) the petitioner shall not abscond during trial.



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(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 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/-
23/11/2023

/ TRUE COPY /

23/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.



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4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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

ORDER
IN
CRL OP(MD) No.21301 of 2023
Date :23/11/2023

SS/SAR- /23/11/2023/5P/6C

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