



CRL OP(MD). No.22454 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22454 of 2023

Sakthivel

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
(Crime No.224/2023).

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S,
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.224/ 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody on 21.09.2023 for the alleged offences punishable under Sections 147, 506(ii), 420 and 395 IPC, in Crime No.224 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 18.09.2023, as per the instructions of A1, the defacto complainant and his friend Karthick took a sum of Rs.14,50,000/- and went to meet A1 in a car to purchase gold from him. At that time, the accused persons came there in a car in police uniform and one accused took the amount from the defacto complainant and when it was questioned by the said Karthick, one accused threatened them with knife and took the amount and Karthick and locked the defacto complainant and others in the case and went away. After that, they dropped the said Karthick and took the money and cellphone from him. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that no recover is made from this petitioner and he is in custody from 21.09.2023. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that in this case, investigation is pending. Hence, he strongly opposed to grant bail to the petitioner.

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



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6. Considering the facts and circumstances and considering the fact that no recover is made from this petitioner 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 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, Manapparai, Trichy District 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 petitioner shall appear before the said Magistrate Court on the first working day of every English calendar month until further orders.

(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 Judge/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



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learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in

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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/-

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13/12/2023

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

SKN

TO

- 1 THE JUDICIAL MAGISTRATE
MANAPPARAI TRICHY DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, MANAPPARAI.
- 4 THE INSPECTOR OF POLICE
THUVARANKURICHI POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.22454 of 2023
Date :13/12/2023

SS/SAR- /13/12/2023/5P/6C

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