



CRL OP(MD). No.693 of 2024

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

Date : 12.01.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). No.693 of 2024

Kavimuthukumar

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Mathichiyam Police Station,
Madurai.

Crime No.787 of 2023

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh, Advocate.
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.787 of 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 10.12.2023 for the offences punishable under Sections 392, 397 and 506(ii) of IPC, in Crime No.787 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.12.2023, at about 01.00 a.m., the defacto complainant was standing in front of his shop at Gandhi Nagar and at that time, the petitioners along with the other accused persons threatened the defacto complainant and demanded an amount of Rs.1,000/- by showing knife. Hence, the



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case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody since 10.12.2023. He would further submit that the co-accused were already released on by this Court in Crl.O.P.(MD)No.421 of 2024 on 10.01.2024 and hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant of bail stating that the petitioner along with other accused have committed robbery of Rs.1,000/- from the defacto complainant by showing knife.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the co-accused were already released on bail, this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.2, Madurai, and on further conditions that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

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

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

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/01/2024

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12/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.2, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, MATHICHIYAM POLICE STATION, MADURAI.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER
IN

CRL OP(MD) No.693 of 2024

Date :12/01/2024

RS//SAR-(12.01.2024) 4P 6C

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