



CRL OP(MD). No.2394 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2394 of 2024

Sanmugam @ Sabarinathan,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.128 of 2023.

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.128 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 14.01.2024 for the offences punishable under Section 399 of IPC, in Crime No.128 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 13.02.2023 at about 04.00 a.m., the petitioner and other accused persons came in a TATA Indica Car with deadly weapons in order to commit dacoity. Hence, the case.

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 14.01.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant bail stating that the petitioner is a history sheeted rowdy element and he has one previous case under 302 IPC.

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, this court is inclined to grant bail to the petitioner with certain conditions.

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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 (*) **The District Munsif cum Judicial Magistrate, Thriuvaidaimaruthur, Thanjavur District**, and on further conditions that:

(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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

15/02/2024

**(*)AMENDED AS PER ORDER OF THE COURT
DATED 27.02.2024 IN CRL MP(MD) No. 2480 of
2024 in CRL OP(MD)No. 2394 of 2024 BY MDIJ
/ TRUE COPY /**

27/02/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 15/02/2023 ALREADY
DESPATCHED

- (*)1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMAURTHUR,
THANJAVUR DISTRICT.
- 2 THE II ADDITIONAL DISTRICT
MUNSIF CUM JUDICIAL MAGISTRATE, KUMBAKONAM,
THANJAVUR DISTRICT.
- 3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM, THANJAVUR DISTRICT.

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- (*)5 THE OFFICER INCHARGE,
SUB JAIL,
THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.
- 6 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION, THANJAVUR DISTRICT.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2394 of 2024
Date :15/02/2024

SS/SAR- /15/02/2024/5P/6C

DSS

PKP/27.02.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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