



CRL OP(MD). No.3148 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3148 of 2024

Sundaram @ Samy

... Petitioner/Petitioner
/Petitioner/Petitioner/ Accused

Vs

The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No. 158/2023.

... Respondent/Respondent
/Respondent/Respondent/ Complainant

For Petitioner : Mr.K.Anbumanikandan Tamilsooriyan, 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. 158 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 02.12.2023 for the offence punishable under Sections 395, 364(A) IPC @ 395, 364(A), 120(B) IPC in Crime No.158 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner conspired with the other accused persons and kidnapped the defacto complainant and committed dacoity of Rs.45,00,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that already Rs.27 Lakhs was recovered from the accused; the petitioner is in judicial custody from 02.12.2023 and co-accused already enlarged on bail, hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is going on.

5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and co-accused already enlarged on bail, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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, Karaikudi, Sivagangai District and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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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/-
28/02/2024

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28/02/2024

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

TSG

<https://www.mhc.tn.gov.in/judis>



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TO

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1 THE JUDICIAL MAGISTRATE, KARAIKUDI, SIVAGANGAI DISTRICT.

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

3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE, KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.K.ANBU MANIKANDAN, Advocate (SR-2444[I] dated 28/02/2024)

ORDER

IN

CRL OP(MD) No.3148 of 2024

Date :28/02/2024

RS//SAR-(28.02.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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