



CRL OP(MD). No.2663 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Praveenkumar,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No.454 of 2023.

... Respondent/Complainant

For Petitioner : M/s.R.Alagumani,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner on bail relating to the case in C.C.No.788/2023 on the file of the learned Principal Sessions Judge, Thanjavur and pass such further or other orders.

ORDER : The Court made the following order :-

The petitioner / A1, who is facing trial for the offence punishable under Section



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392 of I.P.C. in C.C.No.788/2023 on the file of the learned Principal Sessions Judge,

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Thanjavur, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons snatched the cell phone of the *defacto* complainant at knife point. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner is in judicial custody for more than five months and hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that apart from this case three previous cases are pending against the petitioner and all are similar in nature. He would further submit that the cell phone was also recovered from the accused persons. He would further submit that the petitioner is a habitual offender. Hence, he vehemently opposed for grant of bail.



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5. 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, 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 No.I, Kumbakonam** 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 trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;

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



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(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/-
20/02/2024

/ TRUE COPY /

20/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.



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- 3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-2083[I] dated 20/02/2024)

ORDER

IN

CRL OP(MD) No.2663 of 2024

Date :20/02/2024

SS/SAR- /20/02/2024/5P/8C

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