



CRL OP(MD).No.3803 of 2024

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

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.3803 of 2024

Samkoilraj

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.60/2024)

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian, 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.60/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Rank Not Known, who was arrested and remanded to judicial custody on 02.02.2024 for the offence punishable under Section 392 IPC, in Crime No.60 of 2024 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 01.02.2024, two unknown persons had snatched 1 sovereign of gold chain 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 has not committed any such offence as alleged by the prosecution. He would further submit that without identifying the real accused, the Law Enforcing Agency foisted the false case against the petitioner. On the very same day, two FIRs have been registered against the petitioner. Already, the petitioner was released on bail by this Court in Crl.OP(MD)No.3511 of 2024 on 06.03.2024 in connection with Crime No.61 of 2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, one previous case in Crime No.61 of 2024 is pending against the petitioner. However, he fairly conceded that in that case, he was released on bail by this Court, on 06.03.2024.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that two FIRs have been registered against the petitioner on the very same day, this court is inclined to grant bail to the petitioner, subject to the following 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 Judicial Magistrate, Radhapuram, 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., till the completion of investigation.

(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

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under Section 229-A IPC.

sd/-
11/03/2024

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11/03/2024

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

DSS

To

1.The Judicial Magistrate,
Radhapuram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison,
Tirunelveli.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.3803 of 2024

Date :11/03/2024



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ED/ /SAR- (11/03/2024) 5P / 6C

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