



CRL OP(MD). No.4637 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Kumaravel

2.Kamal

...Petitioners/ Accused

Vs

The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
In Crime No.97 of 2024.

... Respondent/ Complainant

For petitioners : Mr.M.Gandhi,
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.97 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on

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



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16.02.2024 for the offence punishable under Sections 25(1-B)(b) of Arms Act and Sections 392 and 397 of I.P.C., in Crime No.97 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 16.02.2024, when the defacto complainant was coming by two wheeler, the petitioners intercepted him and robbed a sum of Rs.1,000/- from the defacto complainant by showing deadly weapon such as 39 cm sword. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they did not commit any such offences as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody for more than 30 days. Hence, they pray for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners are history sheeted persons. Apart from this case, the first petitioner is having two previous cases, out of which, one is registered for the offence under section 302 IPC and another one is under Section 399 of IPC and



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the second petitioner is having one previous case, which is registered under Section 302 of IPC. Further, the petitioners are habitual offenders. Hence, he vehemently opposed to grant of bail to the petitioners.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvaiyur, 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 petitioners are directed to appear before the respondent

Police daily at 10.30 a.m and 05.00 p.m., until further orders;



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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
25/03/2024

/ TRUE COPY /

25/03/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVAIYUR.

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



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2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE OFFICER IN CHARGE,
DISTRICT PRISON, PUDUKKOTTAI..

4.THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.4637 of 2024

Date :25/03/2024

RK (25/03/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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