



CRL OP(MD).No.4923 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Karthick Raja

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.244/2023

... Respondent/Complainant

For Petitioner : Mr.P.Krishnaveni, 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.244/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.02.2024 for the offence punishable under Sections 392 and 397 IPC, in Crime No.244 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 29.08.2023, when the defacto complainant was standing near Ponnankulam Vilakku, the petitioner committed robbery of Nokia Button Cell phone from the defacto complainant by threatening him. Hence, the complaint was registered in Crime No.244 of 2023, pursuant to which, he was arrested and remanded to judicial custody on 29.08.2023. Thereafter,



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the petitioner has moved bail application before this Court in CrI.O.P(MD).No.20139 of 2023 and the same was allowed on 08.11.2023 with certain conditions. Since the petitioner has not complied with the condition, the respondent Police has moved application seeking cancellation of bail and the same was allowed, pursuant to which, the petitioner was arrested and remanded to judicial custody on 17.02.2024.

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 the petitioner is in judicial custody from 17.02.2024 and the petitioner is ready to appear before the respondent Police till the conclusion of the investigation and after completion of the investigation also, the petitioner is ready to co-operate with the trial. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed for grant of bail by stating that six previous cases are pending against the petitioner and since he has not appeared before the respondent police, the respondent Police has moved application seeking cancellation of bail and the trial Court has also rightly cancelled the bail granted to the petitioner. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of



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incarceration suffered by the petitioner and the undertaking given by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

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 No.II, Sivagangai, 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 conclusion 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 under Section

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229-A IPC.

sd/-
28/03/2024

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28/03/2024

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

ssb

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-3943[I] dated 28/03/2024)

ORDER IN
CRL OP(MD) No.4923 of 2024
Date :28/03/2024

RS//SAR-(28.03.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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