



CRL OP(MD). No.7465 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7465 of 2024

Ganapathy

... Petitioner/ Accused No.2

Vs

State Rep. by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(In Crime No.49 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.N.Adithya Vijayalayan,Advocate
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 49 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on
27.02.2024, for the offence under Sections 457 and 397 IPC altered into Sections 457,



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397 and 411 of IPC in Crime No.49 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has attacked the family members of the defacto complainant for commission of robbery. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 27.02.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner is having one previous case and hence, he strongly opposes to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate No.I, Sivagangai and on further conditions that :-

a) the sureties shall affix their photographs and Left Thumb Impression in the

surety bond and the learned Magistrate may obtain a copy of their Aadhar



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card or Bank pass Book to ensure their identity.

- b) the petitioner shall stay at Kanyakumari and report before the Inspector of Police, Kanyakumari Police Station daily at 10.30 a.m, until further orders.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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 is 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].
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/05/2024

/ TRUE COPY /

24/05/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SKN
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,SIVAGANGAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTER OF POLICE

KANYAKUMARI POLICE STATION, KANYAKUMARI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-5760[I] dated 24/05/2024)

ORDER

IN

CRL OP(MD) No.7465 of 2024

Date :24/05/2024

PKP/24.05.2024/ 4P/ 8C

Madurai Bench of Madras High Court is issuing certified
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