



CRL OP(MD). No.9284 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9284 of 2024

Bharani Selvan,

... Petitioner/1st Accused

Vs

The Inspector of Police,
Trichy Fort Police Station,
Trichy District.
Cr.No.779/2024.

... Respondent/Complainant

For Petitioner : P.Sivachandran, Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.779 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

27.05.2024 for the offence punishable under Section 379 of I.P.C., in Crime No.779 of
<https://www.mhc.tn.gov.in/judis>



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2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is a Senior Citizen and aged about 75 years old. Further, he is a retired Government servant and he has worked in the Forest Department as a 'Ranger'. On 27.05.2024, at about 05.45 p.m, when he was boarding a bus, the accused persons have stolen his cell phone and cash amount of Rs.200/-. The defacto complainant and the other people tried to catch the accused. However, except the petitioner, other accused were fled away from the scene of occurrence. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that at the time of occurrence, he only standing in the place of occurrence for boarding the bus and he has not committed any offence as alleged by the prosecution. He would further submit that no previous case is pending against the petitioner and he is in judicial custody from 27.05.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is still pending and the mobile phone is yet to be recovered. Hence, he strongly opposed to grant bail to the petitioner. However, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the period of incarceration and also considering the fact that no



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previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Trichirappalli.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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].



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vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
01/07/2024

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01/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

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



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+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-7154[I] dated 01/07/2024)

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ORDER
IN

CRL OP(MD) No.9284 of 2024

Date :01/07/2024

PKP/01.07.2024/ 5P/ 7C

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