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

Date : 16/07/2024

PRESENT

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

CRL OP(MD). No.10571 of 2024

Abinesh ... Petitioner/Accused Rank not known

Vs

The Inspector of Police,
Mattutavani Police Station,
Madurai City.
(Crime No.342/2024,) ... Respondent/Complainant

For Petitioner : M/s.Praveen Kumar.P, 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. 342/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.07.2024 for the offences punishable under Sections 392 and 397 of IPC, in Crime

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No.342 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.05.2024, at about 08.30 p.m, when the defacto complainant was coming near the Mattuthavani Omni Bus Stand, the petitioner along with other accused have robbed a sum of Rs.500/- at knife point and also threatened him with dire consequences. 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 no previous case is pending against the petitioner and the petitioner is in judicial custody from 09.07.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary state. But, however, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the period of incarceration and also considering the facts that no bad antecedent is reported 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.VI, Madurai.

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(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 trial Court daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(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].

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

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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To

1.The Judicial Magistrate No.VI,
Madurai.

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

3.The Inspector of Police,
Mattuthavani Police Station,
Madurai City.

4.The Superintendent,
Central Jail, Madurai.

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

+1 CC to M/s.P.PRAVEEN KUMAR, Advocate (SR-8007[I] dated 16/07/2024)

ORDER
IN
CRL OP(MD) No.10571 of 2024
Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023