



CRL OP(MD). No.10888 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.10888 of 2024

Manikandan

... Petitioner/ Accused rank not known

Vs

The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Cr.No.123/2024.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C. / Section 483 of Bharatiya Nagarik
Suraksha Sanhita, 2023

PRAYER :-

For Bail in Crime No. 123/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/accused, who was arrested and remanded to judicial custody on 04.07.2024 for the offence punishable under Section 392 was altered into 120(b) r/w 395 of IPC IPC, in Crime No.123 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is working as Supervisor in TASMAC Shop at Balakrishnapuram Vilakku, Koduvilarpatti, Theni District for the past 12 years. On 10.03.2024, After closing the shop, when he proceeding towards his house along with the sale amount of Rs.2,26,680/-, the accused persons are said to have waylaid him and robbed the sale amount, POS Machine, Shop Key, cash box key and a OPPO mobile phone 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 not committed any offence as mentioned in the FIR. He would further submit that the co-accused was already released on bail and the stolen properties were recovered from the accused. Further, the petitioner is in judicial custody from 04.07.2024 and hence, he may be granted bail.



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4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioner is having one previous case in similar nature. However, he fairly conceded that the co-accused was already released on bail and the stolen properties were recovered from the accused.

5.Considering the period of incarceration and also considering the fact that the stolen properties were recovered from the accused and the co-accused was already released on bail, 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, Theni.

(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;



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(ii) the peittioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Tamil Nadu Mediation and Conciliation Centre attached to the Madurai Bench of Madras High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required;

(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 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].



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

sd/-
19/07/2024

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19/07/2024
Sub-Assistant Registrar (AD-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL, THENI..
4. THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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2.THE TAMIL NADU MEDIATION AND CONCILIATION CENTRE
ATTACHED TO THE MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI,

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-8155[I] dated 19/07/2024)

ORDER
IN
CRL OP(MD) No.10888 of 2024
Date :19/07/2024

RK (19/07/2024) 6P / 9C

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