



CRL OP(MD). No.11815 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.11815 of 2024

B.Senpaga Moorthy

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No. 1227 of 2021).

... Respondent/ Complainant

For Petitioner : M/s. Iniyavan.M.,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 1227 of 2021 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/A2, who was arrested and remanded to judicial custody on 08.07.2024 for the offence punishable under Section 392 of IPC, in Crime No.1227 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was returning from a shop, the petitioner along with other accused came into a two wheeler and snatched the 2 ½ sovereigns of gold chain from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the petitioner is in judicial custody from 08.07.2024 and hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioner is having 6 previous cases. But, however, he fairly conceded that the stolen property was recovered.



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5.Considering the period of incarceration and also considering the fact that the stolen property was recovered, 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.II, Madurai.

(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., 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



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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/-
26/07/2024

/ TRUE COPY /

26/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate No.II,
Madurai.
2. -do through The Chief Judicial Magistrate,
Madurai.
3. The Superintendent, Central Prison,
Madurai.
4. The Inspector of Police,
Thallakulam Police Station, Madurai City.



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

+1 CC to M/s.M.INIYAVAN, Advocate (SR-8790[I] dated 26/07/2024)

ORDER
IN
CRL OP(MD) No.11815 of 2024
Date :26/07/2024

RD(26/07/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.