



CRL OP(MD). No.21932 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Akash

... Petitioner/ Accused Rank Not Known

Vs

**State represented by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District
Crime No.454/2023.**

... Respondent/Complainant

For Petitioner : Mr.M.Yesudasan,Advocate.

**For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor**

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

PRAYER :-

To direct the respondent to enlarge the petitioner on bail in C.C.No.788 of 2023 before the learned Judicial Magistrate No.1, Kumbakonam in Crime No.454 of 2023 of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.09.2023 for the offence punishable under Section 392 IPC in C.C.No.788 of 2023 on the file of the learned Judicial Magistrate No.1, Kumbakonam, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused persons threatened the defacto complainant and have stolen mobile phones from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that except this case, he is not having any other case. He would further submit that the petitioner is in judicial custody from 08.09.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is no previous case pending against the petitioner. However,



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the allegations against the petitioner are serious in nature.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 the learned Judicial Magistrate No.1, Kumbakonam, and on further conditions that:

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

(b) the petitioner is directed to appear before the learned Judicial Magistrate No.1, Kumbakonam, on each and every hearing date;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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



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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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

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03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR
DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON
PUDUKKOTTAI.



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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
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Date :03/01/2024

PKP/SAR- /03.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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