



CRL OP(MD). No.23552 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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Harishkumar,

... Petitioner/ Accused No.3

Vs

The State rep. by,
The Inspector of Police,
Sellur Police Station,
Madurai City.
Crime No.1143 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.D.Arunkumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.1143 of 2023 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 No.3, who was arrested and remanded to judicial custody on 20.11.2023 for the offence punishable under Sections 394, 395 and 506 (ii) of I.P.C., in Crime No.1143 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 14.09.2023, when the defacto complainant was standing at Karisalkulam bus stop to hand over the cell phone to his friend Sangeetha and at that time, two unknown persons came in a two-wheeler and snatched the mobile phone from the defacto complainant and forcibly took him in their bike and beaten him and brought him to a distance of two kilometers and accused along with two other accused persons snatched one sovereign gold chain, two grams gold ring and another mobile phone 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. The learned counsel appearing for the petitioner would further submit that the petitioner's name does not find place in the FIR., and



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subsequently, he was implicated as Accused No.3 in this case. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending against the petitioner. He would further submit that since there is a specific overtact against the petitioner, the respondent Police has registered a case against him.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and considering the period of incarceration and the fact that there is no previous case pending against the petitioner, 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.2, Madurai and on further conditions that:



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(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 respondent police daily at 05.00 P.M, until further orders;

(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 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



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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.

tsg

TO

1. The Judicial Magistrate No.II, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Officer Incharge, District Jail, Theni.
4. The Inspector of Police,
Sellur Police Station,
Madurai City.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.23552 of 2023
Date :03/01/2024

SSA/03.01.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023