



CRL OP(MD). No.23585 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

CRL OP(MD). No.23585 of 2023

R.Surya,

... Petitioner/ Accused

Vs

**The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
Crime No.209/2023..**

... Respondent/ Complainant

**For Petitioner : M/s.Manimaran.NA.,Advocate.
For Respondent : B.Nambiselvan,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.209/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.10.2023

<https://www.mhc.tn.gov.in/judis>



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for the offence punishable under Sections 454, 392 and 397 IPC in Crime No.209 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 20.10.2023, the petitioner illegally entered into the house of the defacto complainant and robbed a sum of Rs.1000/- 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 the petitioner is in judicial custody from 20.10.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, two previous cases are pending against the petitioner. He would further submit that the investigation is completed and the charge sheet is filed before the learned Judicial Magistrate No.1, Sivagangai and the same was taken on file in P.R.C.No.87 of 2023.

5. Heard the learned counsel on either side.



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6. Considering the facts and circumstances of the case, 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, Thirupathur 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 respondent police daily at 10.30 A.M., for a period of four weeks and thereafter, as and when required;

(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 Hon'ble Supreme Court

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(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,
THIRUPATHUR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
MADHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.



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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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