



CRL OP(MD). No.23618 of 2023

WEB COPY

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.23618 of 2023

M.Aarumugam,

... Petitioner/ Accused

Vs

**The Inspector of Police,
Mathichiyam Police Station,
Madurai District,
Madurai District
Crime No.787/2023.**

... Respondent

For Petitioner : Ms.B.Bhuvaneshvari,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.787/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner / sole accused, who was arrested and remanded to judicial

custody on 10.12.2023 for the offence punishable under Sections 392, 397 and 506 (ii)

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



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of I.P.C., in Crime No.787 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 10.12.2023 at about 1.00 A.M., the defacto complainant was standing in front of his shop at Gandhi Nagar and at that time, the petitioner along with the other accused persons threatened the defacto complainant and demanded an amount of Rs.1,000/- by using knife. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a driver and he has been falsely implicated in the case. She would further submit that the petitioner was arrested and remanded to judicial custody on 10.12.2023. She would further submit that the petitioner is in judicial custody for more than twenty days and hence, he prayed for bail. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is ready to deposit a sum of Rs.10,000 (Rupees Ten Thousand only) to the defacto complainant in the presence of the Inspector of Police without prejudice his rights.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is a history sheeter and apart from this case, five previous cases are pending against the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and period of incarceration



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suffered by 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 Principal Sessions Judge, Madurai 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 draw a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in the name of the defacto complainant and hand over to him and thereafter, file a proof of affidavit to that effect before the Trial Court.

(c) the petitioner is directed to appear before the respondent police daily at 05.00 P.M, until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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;

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

sd/-
03/01/2024

/ TRUE COPY /

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

TSG

TO

- 1 THE PRINCIPAL SESSIONS JUDGE
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MADURAI DISTRICT,
MADURAI DISTRICT



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

+1. CC to M/S.GANESAN.A Advocate SR.No.86 (F) dt: 03/01/2024

ORDER
IN
CRL OP(MD) No.23618 of 2023
Date :03/01/2024

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

Madurai Bench of Madras High Court is issuing certified
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