



CRL.O.P.(MD)No.1858 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 30.01.2025

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1858 of 2025

Thangakumar @ Thangam

... Petitioner/ Accused No.2

Vs

The State represented by its
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.566 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.J.Mohamed Ibrahim,
Advocate

For Respondent : Mr.S.Ravi,
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.566 of 2024 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.2, who was arrested and remanded to judicial custody on 03.12.2024 for the alleged offence under Section 311 of BNS, in Crime No.566 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the de facto complainant was attending to nature's call, the accused persons are said to have robbed a mobile phone and a sum of Rs.1,000/- in cash from the de facto complainant. The de facto complainant was attacked and his two-wheeler was also taken away. There are 3 accused persons in this case. The petitioner has been arrayed as A2.

3. The learned Additional Public Prosecutor, on instructions, submitted that there are 18 previous cases against the petitioner of similar nature. He further submitted that A1 and A2 were arrested in this case and A3 is still absconding. In view of the same, learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner.

4. Heard the learned counsel on either side and perused the material records of the case.



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5. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 03.12.2024 and stolen articles have been recovered and A1 was enlarged on bail by the learned Principal District and Sessions Judge by an order dated 23.01.2025 and taking note of the fact that there are 18 previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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.I, Thoothukudi 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 shall appear before the learned Judicial Magistrate No.I, Thoothukudi daily at 10.30 a.m. and before the respondent police daily at 05.30 p.m., until further orders.



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[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
30/01/2025

/ TRUE COPY /

30/01/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN



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TO
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1. THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE OFFICER-IN-CHARGE,
DISTRICT PRISON,
PERURANI, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.1858 of 2025

Date :30/01/2025

RK (30/01/2025) 5P / 6C

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