

TNMD010090882023



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 2nd day of September, 2023.

CrI.M.P.No.5097/2023

CNR No.TNMD010090882023

Manikandan, S/o.Anbuselvam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thiruppalai P.S. in Cr.No.210/2023

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.Nagapandi, Advocate for the petitioner and of Public Prosecutor for the state, this court passed the following:

Order

1. Bail application u/s 439 of Cr.P.C.

2. Heard both.

3. The learned counsel for the petitioner/A1 would submit that the respondent police has registered a case in Cr.No.210/2023 for the offence u/s 379 of IPC against the petitioner and others. The petitioner was arrested and remanded to judicial custody on 20.07.2023 and is in custody for the past 45 days. The defacto-complainant has left his mobile, which was recovered by the accused persons and handed over to the defacto-complainant, at that time, wordy altercation has taken place among them and later the defacto-complainant has given the false complaint as if the mobile phone was stolen by the accused persons. The petitioner is innocent and he has not committed any offences as alleged by the prosecution. Case property has been recovered. Investigation is almost over. A2 and A3 were granted bail by the concerned Judicial Magistrate. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that totally there are 3 accused persons in this case and the petitioner is A1. As per the case of the prosecution, on 18.07.2023 at 08.00 p.m., the defacto-complainant's girl friend has missed her cellphone at the ground of Yadhavar College, Tiruppalai. The accused persons have taken away the cellphone and demanded money from the defacto-complainant for returning the same. Hence, the case. Case property has been recovered. Arrested A2 and A3 were already enlarged on bail by the concerned Judicial Magistrate. A1 is involved in 3 previous cases of grave offences. Investigation is pending and objected to allow the petition.

5. Rival contentions are taken into consideration. It is alleged that the petitioner/A1 along with the co-accused persons, has refused to return the mobile phone of the defacto-complainant's girl friend, which was missed by her, and demanded money from them, consequently, the present case has been registered. The occurrence is said to have taken place on 18.07.2023. The petitioner is in custody for 45 days. Material part of investigation ought to have been completed by this time. Case property was recovered. Arrested A2 and A3 were already granted bail by the concerned Judicial Magistrate. Considering all these aspects, the period of incarceration of the petitioner, the recovery of case property and the facts and circumstances of this case, this court is inclined to grant bail to the petitioner on conditions.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.II, Madurai subject to conditions.

(i) That after release the petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 10.00 a.m. for a period of 30 days.**

(ii) The petitioner shall co-operate with the investigation and shall not threaten the witnesses and shall not cause hindrance to the pending investigation.

(iii) That the petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected and

(iv) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 2nd day of September, 2023.

Principal Sessions Judge,
Madurai

Copy to

1. The J.M.No.2. Madurai.
2. The Inspector of Police, Thiruppalai P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.