



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18717 of 2018

ESAKKIPANDI

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY

THE SUB INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,

TIRUNELVELI DISTRICT.

CRIME NO.98 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

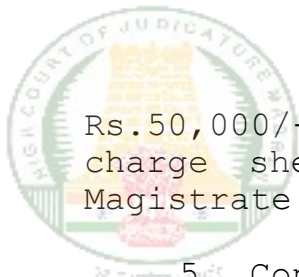
ORDER : The Court Made the following order :-

The petitioner, who was arrested by the respondent police on 26.06.2018, for the offences punishable under Sections 457 and 380 of IPC., in Crime No.98 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, on 03.06.2018, at about 1.50 a.m., trespassed into the house of the defacto complainant and stolen chain and 3 Cellphones, worth about Rs.50,000/-.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He further submitted that the petitioner is in incarceration for the past 140 days.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that on 03.06.2018, at about 1.50 a.m., the petitioner had trespassed into the house of the defacto complainant and stolen chain and 3 Cellphones, worth about



Rs.50,000/-. The investigation in this case has been completed and charge sheet has also been filed before the learned Judicial Magistrate No.3, Tirunelveli.

5. Considering the above facts and circumstances of the case and also considering the fact that investigation in this case has been completed and charge sheet has also been filed before the concerned Court, this Court is inclined to grant bail to the petitioner, with certain conditions. 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.III, Tirunelveli and on further condition that:

[a] the petitioner shall appear before the learned Judicial Magistrate No.III, Tirunelveli, daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

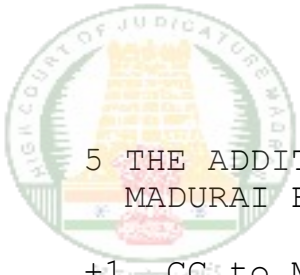
sd/-
13/11/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE SUB INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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

+1. CC to M/S.K.SIVABALAN Advocate SR.No. 21454

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ORDER

IN

CRL OP (MD) No.18717 of 2018

Date :13/11/2018

JM/MMS/SAR 3/13.11.2018/3P/7C