



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

Monday, the Fourth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1823 of 2019

PRADEEP KUMAR@OBERAI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NATCHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.156/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.UTHAYAKUMAR Advocate

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 31.12.2018 for the offence punishable under Section 392 IPC in Crime No.156 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that 31.12.2018, the defacto complainant and her husband are residing along with her daughter and son-in-law. Her son-in-law is in abroad. While so, they are running a petty shop adjacent to their resident. On 03.12.2018 at early hours, when she was pouring water in front of her house, the accused persons snatched 3 ½ sovereigns of gold chain and thereby ran away from the place of occurrence in his two wheeler. Thereafter, she lodged the present complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.Side) would submit that



the petitioner is involved in one previous case and gold chain recovered from the accused. Hence, in the event of the petitioner being enlarged on bail, stringent conditions may be imposed on him.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruppathur, Sivagangai District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned Judicial Magistrate, Thiruppathur, Sivagangai District, daily at 10.30 a.m. until further orders;

(c) the Law Enforcing Agency is directed to take photographs of the recovered gold chain and thereafter, the learned Judicial Magistrate, Thiruppathur, Sivagangai District is directed to return the gold chain to the defacto complainant within a period of two weeks, after obtaining affidavit from the defacto complainant.

(d) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.156 of 2018.

(e) 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;

(f) 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;

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

sd/-

04/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
NATCHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.2276

PS/PN/SAR-4/04.02.2019/3P/7C

ORDER

IN

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Date :04/02/2019