



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2410 of 2019

1 CHOKKAR
2 SAIVATHURAI

... PETITIONERS / ACCUSED NO.1 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION,
CRIME NO.34/2019,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SATHISHKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who were arrested on 15.01.2019 for the offence under Sections 457, 380 IPC in Cr.No.34 of 2019, on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners and the defacto complainant are relatives and on 12.01.2019, at early hours 04.00 a.m., the petitioners, taking advantage of the old age of the defacto complainant, committed robbery of 417 sovereigns of jewels, for which the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit the first petitioner is the son-in-law of the defacto complainant's son and the second petitioner is the brother-in-law of the defacto complainant's son. He would further submit that the petitioners did not commit any offence as alleged by the prosecution and it is purely family transaction and hence, he would play for bail to the petitioners.



4.The learned Additional Public Prosecutor would submit that the relationship between the petitioners and the defacto complainant is not in dispute and the major portion of stolen articles were recovered and that the finger print of A1 is tallied.

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5.Considering the facts and circumstances of the case and considering the fact that the parties are relatives and also considering the period of incarceration, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 No.IV, Madurai and on further condition 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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;

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

sd/-

19/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
<https://hcservices.ecourts.gov.in/hcservices/>



3 THE INSPECTOR OF POLICE,
KEERAI THURAI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

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

+1 CC to M/s.K.SATHISH KUMAR, Advocate SR-3336

ORDER

IN

CRL OP (MD) No.2410 of 2019

Date :19/02/2019

JM/PN/SAR 1/19.02.2019/3P/7C