



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4502 of 2019

MUGESH

... PETITIONER / ACCUSED

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
IDOL WING, CID,
GUINDY, CHENNAI-31
Crime No.8/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. S. RAMASAMY 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 petitioner, who was arrested and remanded to judicial custody since 13.02.2019 for the offence punishable under Section 41 (1) (d) & 102 Cr.P.C @ 457 (2), 380(2) IPC and Section 4 of AAT Act, 1972, in Crime No.8 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons are involved in the theft of idol and said idol was recovered from the shop of the A3. There are totally three accused persons in this Case and the present petitioner has been added as A2.

3.The learned counsel for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence. He further submitted that the petitioner was arrested and remanded to judicial custody on 13.02.2019 and this petitioner has already suffered incarceration for more than 30 days.

4.The learned Additional Public Prosecutor submitted that based on a secrete information, the respondent police went to the lathe workshop of the petitioner and seized the idol. All the three accused persons were arrested in this case and idol was also seized from the accused persons. He further submitted that A3 was also released on bail by the Principal Seat at Madras.



5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner and also considering the co-accused released on bail by the Principal Seat at Madras, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail on their 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 Additional Chief Judicial Magistrate Kumbakonam and on further condition that:

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

(b) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(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 petitioners 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/-
03/04/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, KUMBAKONAM.

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



2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
IDOL WING, CID, GUINDY, CHENNAI-31

4. THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.S.RAMASAMY Advocate SR.No.6103

ORDER

IN

CRL OP (MD) No.4502 of 2019

Date :03/04/2019

TK/PN/SAR-1/03.04.2019/3P/7C