



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5735 of 2019

MUBEESH AHAMED

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 19 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. A. ARUNPRASAD Advocate

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

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

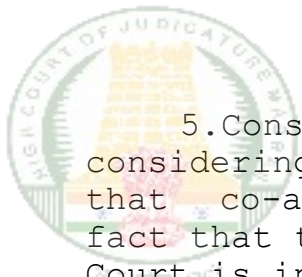
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 01.02.2019 for the offences punishable under Sections 457 and 380 of IPC in Crime No.19 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a jewellery shop in the name and style of Majeetha Jewellery On 25.01.2019, the defacto complainant found the jewellery shop broke open and found some jewels were stolen. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that based on the confession statement of the co- accused this petitioner was implicated. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the state would submit that the stolen jewels were recovered from the co- accused. He would also submit that co- accused in this case was granted bail by the lower Court.



5. Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that co-accused already released on bail and also considering the fact that the property was recovered only from the co-accused, 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 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, Pattukottai 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 respondent police 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 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;

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

sd/-

24/04/2019

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

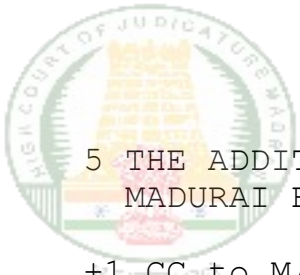
TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-7139[I] dated 24/04/2019)

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ORDER

IN

CRL OP (MD) No.5735 of 2019

Date :24/04/2019

JM/MMS/SAR 1/24.04.2019/3P/7C