



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5957 of 2019

SYED ABUDEEN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO.107/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.S.MOHAMED MOHIDEEN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
For Intervenor : Mr.V.KARUNA, Advocate

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 30.03.2019 for the offences punishable under Sections 420 and 506(ii) of IPC in Crime No. 107 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that for the purpose of temple festival, the petitioner herein had taken five sovereigns of gold from the defacto complainant, thereafter the said jewels was not returned. 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 they are relatives and he borrowed Rs.25,000/- and he had not taken any jewels from the defacto complainant. However on instructions he would submit that he is ready to deposit Rs.75,000/- to the crime number without prejudice to his right and thereafter the same shall be disbursed to the defacto complainant.

4. The learned counsel for the intervenor concede the request made by the learned counsel for the petitioner.



5.The learned Government Advocate (Crl.Side) would submit that since the petitioner has come forward to deposit the said amount, this Court may pass appropriate orders.

6.Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that the petitioner has come forward to deposit the said amount , this Court is inclined to grant bail to the petitioner.

7.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 No.III, Dindigul and on further condition that:

(a) the petitioner is directed to deposit Rs.75,000/- to the credit in Crime number 107 of 2019 before the learned Judicial Magistrate No.III, Dindigul and after payment of the said amount, the learned Magistrate shall disburse the same to the defacto complainant and thereafter sureties shall be accepted.

(b)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;

(c) the petitioner shall report before the respondent police daily at 10.30am until further orders

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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/-

25/04/2019

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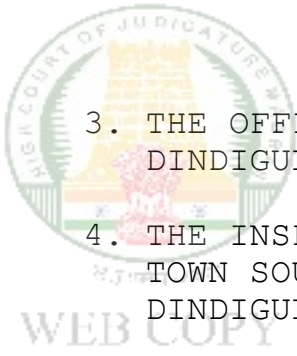
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

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

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3. THE OFFICER INCHARGE, SUB JAIL,
DINDIGUL.

4. THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

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

+1. CC to MR.T.S.MOHAMED MOHIDEEN Advocate SR.No.7198

+1CC TO Mr.V.KARUNA, Advocate, Sr No.7185

ORDER

IN

CRL OP (MD) No.5957 of 2019

Date :25/04/2019

MS/PN/SAR-2/25.04.2019/3P.8C