



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 18/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8391 of 2019

Eswaran

... Petitioner/Accused No.1

Vs

State rep.by

The Sub-Inspector of Police,,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.355/2019).

... Respondent/Complainant

For Petitioner : M/s.M.Jegadeesh Pandian,
Advocate.

For Respondent : V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime no. 355/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 1 seeking bail for the alleged offence under Section 379 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 25.05.2019 and he is in custody for the past 22 days. He would also submit that the stolen property was recovered. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when the defacto complainant had parked his JCB bearing registration number IN 20BD 6827 near Manoor and left the place, he found the JCB missing. However, he fairly conceded that that no previous case



is pending against the petitioner and the stolen property was recovered.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 22 days and also considering the fact that no previous case is pending against the petitioner and also considering the fact that the stolen property was recovered, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate, Rajapalayam.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.
 4. THE SUB-INSPECTOR OF POLICE,,
RAJAPALAYAM SOUTH POLICE STATION,VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.9936

ORDER IN

CRL OP(MD) No.8391 of 2019

Date :18/06/2019