



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9238 of 2019

Maharajan

... Petitioner/Accused

Vs

State through
The Inspector of Police,
Tenkasi Police Station, Tenkasi,
Tirunelveli District
Crime No.368/2019

... Respondent/Complainant

For Petitioner : M/s.K.K.Kannan,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail in Cr.No.368 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused seeking bail for the alleged offence under Sections 392 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 was arrested and remanded to judicial custody on 08.06.2019 and from that date onwards he is in custody. He further submitted that no previous case is pending against the petitioner and the stolen property has been recovered and therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner herein snatched a gold chain worth Rs.75,000/- from the defacto complainant near Tenkasi Railway Station. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the stolen property was recovered from the petitioner and there is no previous case is pending against the petitioner.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 24 days and also the fact that the stolen property was recovered from the petitioner and there is no previous case is pending against the petitioner, 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, Tenkasi.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.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 trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

sd/-
02/07/2019

/ TRUE COPY /

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

TO



2.Do-Through The Chief Judicial Magistrate,
Thirunelveli District.

3.The Inspector of Police,
Tenkasi Police Station, Tenkasi,
Tirunelveli District.

4.The Superintendent,
Central Prison, Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-10826[I] dated 02/07/2019)

ORDER

IN

CRL OP(MD) No.9238 of 2019

Date : 2/07/2019

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TK/PN/SAR.4/02.07.2019/3P/7C