



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/07/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.10853 of 2019

Selvaraj

... Petitioner/Accused  
Rank Not Known

Vs

The State Rep.by  
The Sub-Inspector of Police,  
Sendhamaram Police Station,  
Tirunelveli District  
Crime No. 101 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy,  
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 101 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 Section 380 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the  
petitioner is only a call taxi driver and a false case has been  
filed against the petitioner. He further submitted that the  
petitioner herein was arrested and remanded to judicial custody on  
21.06.2019 and he is in custody for the past 39 days. He further  
submitted that the stolen properties have been recovered. Therefore  
he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that  
the petitioner has stolen 36gms of gold from the house of the



defacto complainant. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the stolen property has been recovered.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 39 days and also the fact that the stolen property has been 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, Tenkasi.

[b] the petitioner shall report before the Senthamaram Police Station, 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 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/-  
31/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
TENKASI

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THIRUNELVELI DISTRICT.



3. THE SUB-INSPECTOR OF POLICE,  
SENDHAMARAM POLICE STATION,  
TIRUNELVELI DISTRICT

4. THE SUPERINTENDENT,  
CENTRAL PRISON PALAYAMKOTTAI.

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

+1. CC to Mr.M.SOLAISAMY Advocate SR.No.12587

ORDER

IN

CRL OP(MD) No.10853 of 2019

Date :31/07/2019

aav

TK/PN/SAR.1/31.07.2019/3P/7C