



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

Friday, the Ninth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.11235 of 2019

EDWINRAJ

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 116 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMPANDIYAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.3 seeking bail for the alleged offence under Sections 457 and 380 IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 07.07.2019 and he is in custody for the past 31 days. He further submitted that the stolen properties have been recovered. He further submitted that co-accused persons in this case were granted bail by the trial court. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons trespassed into the godown of the defacto complainant and have stolen 9 LED TVs. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the stolen properties have been recovered and there is no previous case pending against the petitioner and co-accused persons were released on bail by the trial court.



5. Taking into consideration of the allegations made against the petitioner and also the fact that no bad antecedents has been reported against the petitioner and also the fact that the petitioner is in custody for the past 31 days and also the fact that the stolen properties 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 No,I,Thanjavur.

[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/-

09/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
ITHANJAVUR

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



4 THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.

+1. CC to M/S. G. KARUPPASAMPANDIYAN Advocate SR.No.11235

ORDER

IN

CRL OP (MD) No.11235 of 2019

Date :09/08/2019

AAV

JM/09.08.2019/3P-6C