



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

Date : 18/02/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.2848 of 2020

Ganesan

... Petitioner/Accused NO.2

Vs

The State rep.by
The Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No.289/2019.

... Respondent/Complainant

For Petitioner : M/s.P.Karthick,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for bail in Crime No.289 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 24.01.2020 for the offences punishable under sections 379 and 120(b) of I.P.C., in Crime No.289 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner's counsel states that the previous cases referred to by the prosecution dates back to the year 2006 earlier. He had been acquitted in those cases. In the case on hand, the stole cardamom was also recovered. The petitioner's counsel would draw my attention to the order dated 12.11.2019 passed by the Division Bench in H.C.P.(MD)No.1191 of 2019. It appears that the petitioner's son was illegally detained in order to secure the presence of the



4.I am of the view that the continued incarceration of the petitioner is not going to serve any purpose.

5. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 learned Judicial Magistrate, Uttamapalayam, Theni District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
18/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE,
UTTAMAPALAYAM, THENI DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION, THENI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.KARTHICK Advocate SR.No.3313

ORDER
IN
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