



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

Date : 01/07/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.6922 of 2020

Theivendran ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District
(Crime No. 200 of 2019).

... Respondent/Complainant

For Petitioner : M/s J.Sulthan Basha,
Advocate.

For Respondent : Mr.S..Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

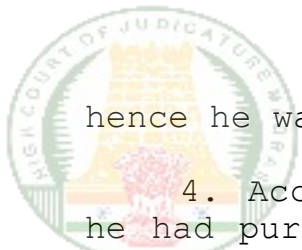
For Bail in Crime No. 200 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

2. The petitioner herein was arrested on 29.05.2020 for the
alleged offence under Sections 454 and 380 of IPC.

3. The case of the prosecution is that the petitioner was found
in possession of stolen mobile phone. According to prosecution the
complaint was registered on 25.04.2019 for house breaking alleging
that the house of the defacto complainant was broke open and three
cell phones, cash Rs.20,000/- was stolen from the almirah. One of
the cell phones was later found in possession of this petitioner and



hence he was arrested.

4. According to the petitioner he is a bonafide purchaser and he had purchased the said phone from Rithish who is a neighbour of the defacto complainant. He would also submit that he is ready to co-operate with the investigation and ready to furnish information about the source of cell phone.

5. Taking note of the above facts and circumstances of the case and also taking note of the submission made by the learned counsel of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/07/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM,
THENI DISTRICT.
- 2 -DO- THRO THE
CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT
- 4 THE OFFICER INCHARGE
SUB JAIL,
DINDIGUL
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6922 of 2020

Date :01/07/2020

PD/JC/SAR 3/01.07.2020/3P/6C