



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

Date : 07/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.6810 of 2020

1. Muthukumar
2. Muniyasamy

... Petitioners/Accused 1 and 2

Vs

State Rep.by
The Inspector of Police,
Kadaladi Police Station,
Kadaladi, Ramanathapuram District.
Crime No.149 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.R.Laxman,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

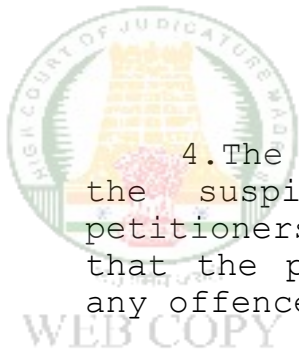
For bail in Cr.No.149 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioners are arrayed as accused Nos.1 and 2. The first petitioner was arrested and remanded to Judicial Custody on 06.06.2020 and the second petitioner was arrested and remanded to Judicial Custody on 11.06.2020 for the offences punishable under sections 457 and 380 of I.P.C., in Crime No.149 of 2020 on the file of the respondent police. They seek bail.

3.The case of the prosecution is that the petitioners and other accused were said to have broken open the Hundial in the village temple and stolen a sum of Rs.20,000/-. Hence, a complaint has been registered.



4.The learned counsel for th petitioners would submit that on the suspicion, A1 was arrested and based on his confession, these petitioners were arrested. The learned counsel would further submit that the petitioners were innocent person and they did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that a sum of Rs.11,000/- was recovered and the other accused are still absconding.

6.Taking note of the above facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the conditions that the petitioners shall jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand) to the credit of crime No.149 of 2020 before the learned Judicial Magistrate Court, Kadaladi, Ramanathapuram District and on following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Kadaladi, Ramanathapuram District.

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 petitioners shall jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand) to the credit of crime No.149 of 2020 before the learned Judicial Magistrate Court, Kadaladi, Ramanathapuram District.

iii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners shall not abscond during trial.

vi)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

sd/-
07/07/2020

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WEB 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, KADALADI,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE, KADALADI POLICE STATION,
KADALADI, RAMANATHAPURAM DISTRICT.
4. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM.
5. THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6810 of 2020
Date :07/07/2020

MS/PN/SAR-2/08.07.2020/3P.7C