



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7921 of 2020

Suriya

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramnad District.
Crime No.277 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Uthayakumar, 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 Crime No.277 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, herein was arrested and remanded to judicial custody on 04.06.2020 for the alleged offences under Section 379 of IPC.

2.The case of the prosecution is that the petitioner is said to have stolen the battery in a Two wheeler and car, which were seized by the respondent police and parked in the police station, which is worth about Rs.8,000/-.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner was in judicial custody till 16.07.2020.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is a habitual offender and he is also having two previous cases, which are similar in nature.



5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner has stolen the battery worth about Rs.8,000/- and also taking note of the fact that the petitioner is in judicial custody from 04.06.2020 onwards, 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 I, Ramanathapuram.

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/-
31/07/2020

/ 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 NO.I, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.
4. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION, RAMNAD DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7921 of 2020
Date :31/07/2020

MS/VR/SAR-2/31.07.2020/3P.7C