



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8027 of 2020

Ramesh

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Odaipatti Police Station,
Theni District.
Crime No.311 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
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.311 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 25.06.2020 for the alleged offences under Sections 457 and 379 of IPC @ Sections 457 and 380 of IPC.

2. The case of the prosecution is that on the date of occurrence when the defacto complainant and her husband were sleeping in their house the petitioner herein trespassed into the house of the defacto complainant and snatched the gold chain from the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner name does not found place in the First Information Report and due to some previous enmity a false case has been given against the petitioner. He would also submit that the petitioner is jail for nearly 60 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that initially a case was registered under Sections 457 and 379 of IPC and later during investigation it has been altered to Sections 457 and 380 of IPC. He would also submit that the petitioner herein trespassed into the house of the defacto complainant and snatched the gold chain from the defacto complainant and now stolen property was recovered from this petitioner and A2 in this case is still absconding.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the stolen property was recovered and also taking into consideration the period of incarceration, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam

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/-

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR.
 4. THE INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION, THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8027 of 2020
Date :24/08/2020

MS/AKM/SAR-2/24.08.2020/3P.6C