



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

Date : 05/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8194 of 2020

SELVAKUMAR

... PETITIONER/ACCUSED NO.4

VS

STATE REP.BY  
THE INSPECTOR OF POLICE,  
THOTTIYAM POLICE STATION,  
TRICHY DISTRICT  
CR NO.1023/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.B.Jameel Arasu,  
Advocate.

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

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

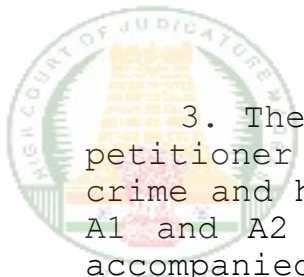
PRAYER :-

For Bail in Crime No. 1023 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 11.07.2020 for the alleged offence under Section 379 of  
IPC.

2. There are totally six accused in this case. The petitioner  
herein is arrayed as A4. The case of the prosecution is that on the  
date of occurrence when the defacto complainant carried a sum of  
Rs.50,000/- to deposit in the bank account all the accused persons  
came in a two wheeler and mislead the defacto complainant that some  
money has been found in the road and when he bend down the accused  
persons has taken money from the defacto complainant and ran away  
from the place. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner herein innocent and he is no way connected with the said crime and he has been falsely implicated. He would also submit that A1 and A2 are the main accused and the petitioner herein only accompanied them and the stolen money was recovered only from A1 and A2.

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4. The learned Government Advocate(Crl.Side) would submit that all the accused persons have stolen the money from the defacto complainant and they are habitual offenders. He would also submit that the stolen money was recovered.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that A1 and A2 are the main accused persons and the petitioner herein only accompanied them and also the fact that the stolen money was recovered from A1 and A2 only, 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, Musiri, Tiruchirapalli

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,  
MUSIRI, TIRUCHIRAPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THIRUCHIRAPALLI.
- 3 THE INSPECTOR OF POLICE  
THOTTIYAM POLICE STATION,  
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.8194 of 2020  
Date :05/08/2020

AAV  
JM/VR/SAR 2/05.08.2020/3P/6C