



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

Date : 11/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9306 of 2020

Abdul Ajees

... Petitioner / Accused No.2

Vs

The State rep.by
The Inspector of Police,
Central Police Station,
Crime No. 507/2020.

... Respondent/Complainant

For Petitioner : M/s.G.Pradeep Dhinakaran,
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. 507 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 12.08.2020 for the alleged offences under Sections 379 of IPC.

2. The case of the prosecution is that A1 in this case said to have stolen the car parked near Thoothukudi Old Bus stand and thereafter tried to sell the car. Based on the complaint given by the defacto complainant and on the confession given by A1 the car has been recovered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that based on the confession given by A1, this petitioner has been implicated and the co-accused namely A1 in

<https://hdservices.courts.gov.in/hdservices>

released on bail by the Sessions Court, Thoothukudi.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a habitual offender and having four previous cases of similar nature and if he released on bail, he will indulge in similar type of offence again.

5. It is seen from the record that A1 and A2 said to have stolen the car which belongs to the defacto complainant, subsequently arrested and based on the confession given by A1 the petitioner was implicated and the stolen car was also recovered. Now it is stated that A1 in this case was released on bail by the Sessions Court.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 No.III, Thoothukudi.

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/-

11/09/2020

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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.

To

- 1.The Judicial Magistrate No.III, Thoothukudi.
- 2.The Chief Judicial Magistrate, Thoothukudi District.
- 3.The Superintendent, Sub Jail, Perurani.
- 4.The Inspector of Police,
Central P.S, Thoothukudi.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9306 of 2020
Date : 11/09/2020

AAV
SDS / RSK / SAR-2 (11.09.2020) 3P-6C