



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

Date : 16/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.9851 of 2020

Murugan

... Petitioner/Accused No.2

Vs

State Rep.By
The Inspector of Police,
Central Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.567 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Ranjith Kumar,
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.567 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 01.09.2020 for the alleged offences under Sections 454,457 and 380 of IPC.

2. The case of the prosecution is that the petitioner herein is working under A1 in the flower shop and on the date of occurrence the defacto complainant went out of his house, knowing fully well that the defacto complainant was out of his house, A1 and A2 in this case said to have broke open the house of the defacto complainant and also stolen TV and other house hold articles. Based on the complaint given by the defacto complainant A1 was arrested and on his confession this petitioner was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that since the petitioner was working under A1, he has been implicated in this case and the stolen property was also recovered. He would also submit that the petitioner has no bad antecedent. Hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that both A1 and A2 trespassed into the house of the defacto complainant and stolen TV and other house hold articles and based on the confession given by A1, this petitioner was arrested.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that this petitioner was arrested only based on the confession given by A1 and also the fact that stolen properties were recovered from A-1, and no previous case is pending against the petitioner, 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 No.II, 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 once in a week of every Monday 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/-
16/09/2020

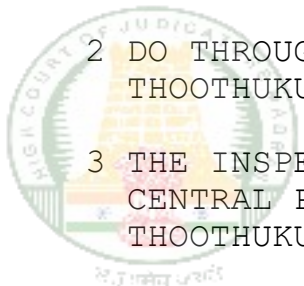
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE JUDICIAL MAGISTRATE NO.II,

<https://hcservices.ecourts.gov.in/hcservices/>

THOOTHUKUDI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
CENTRAL POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4 THE OFFICER IN CHARGE
DISTRICT JAIL, PEROORANI, THOOTHUKUDI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9851 of 2020
Date :16/09/2020

NR/VR/SAR -IV 16.09.2020 3P 6C