



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

Date : 01/10/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10667 of 2020

ASARAF ALI

... PETITIONER/ACCUSED No.3

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 2402 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

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

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

PRAYER :-

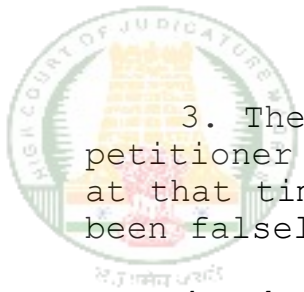
For Bail in Cr.No.2402 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested and remanded to judicial custody on 10.09.2020 for the alleged offences under Sections 454 and 380 of IPC.

2. There are totally three accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that A1 and A2 in this case said to have borrowed money from the defacto complainant and they failed to re-pay the same. At the instigation of this petitioner and A1, A2 said to have stolen Rs. 2 lakhs cash and gold jewels from the defacto complainant's house. Subsequently based on the complaint crime was registered and the

<https://hccservices.judges.org.in/hccservices>



3. The learned counsel for the petitioner would submit that the petitioner has only received the gold jewels from other accused and at that time he is not aware that the jewels were stolen and he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that A1 to A3 planned and executed the crime and the jewels were recovered from the petitioner only.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner said to have only received the gold jewels and also the fact that only A2 said to have stolen the property, the money was recovered from A2 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul

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/-
01/10/2020

/ TRUE COPY /

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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.I,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10667 of 2020
Date :01/10/2020

aav
JM/PN/SAR II/01.10.2020/3P/6C