



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

Date : 29/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11453 of 2020

Kujili @ Kalaiselvan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur, Trichy District.
(Crime No.2146/2020).

... Respondent/Complainant

For Petitioner : M/s.P.Santhana Krishnan, Advocate.
For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.2146 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 14.09.2020 for the offences punishable under Section 392 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 13.09.2020 at about 3.00 pm.,when the defacto complainant and his fiancée were returning from temple, the petitioner along with other accused persons said to have snatched a gold necklace from the fiancée of the defacto complainant worth about 9gms and fled from the scene of occurrence.

3.The learned counsel for the petitioner would submit that this is the first case against the petitioner and also foisted only for statistical purpose. He would also submit that the petitioner never involved in the said crime.

4. The learned Government Advocate(Crl.Side) would submit that there are three accused in this case and the petitioner herein is arrayed as A3 and the properties have been recovered. Investigation



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the properties have been recovered, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy

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 stay at Nagapattinam and report before the Nagapattinam Town Police Station daily at 10.30 am., 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/-
29/10/2020

/ TRUE COPY /

/ /2020
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.VI, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION,
THIRUVERAMBUR, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

ORDER

IN

CRL OP(MD) No.11453 of 2020

Date :29/10/2020

MS/PN/SAR-2/29.10.2020/3P.7C