



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

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PRESENT

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

CRL OP(MD). No.13378 of 2020

Vasudevan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
DCB Police Station,
Thanjavur District.
Crime No.20 of 2020.

... Respondent/Complainant

For Petitioner : Mr.U.Umamaheswaran,
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.20 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 15.10.2020 for the offences punishable under Section 380 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the second accused on the instruction given by the first accused had stolen two guns from the police station along with five bullets.

3.The learned counsel for the petitioner would submit that the first accused was working as a Gr.I Police Constable in Thirupananthal Police Station and he was arrested in the above case on 05.10.2020 and on his confession only this petitioner has been implicated as accused. He further submitted that the first accused being the police constable found guns and bullets in his police station and since it appears to be very old and as such he took guns from the police station to show them to his friends and thereafter



he failed to replace them in the station and hand over to his friend. Thereafter the petitioner did not commit any crime as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that there are two accused in this case and the petitioner herein is arrayed as A2. The first accused was working as constable and he only instructed the second accused to steal the gun which were kept in the police station since during covid-19 the respondent could not deposit the property before the concerned Court.

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A2 . The first accused was arrested and remanded to judicial custody and on his confession the petitioner has been implicated. The Government Advocate(Crl.Side) also produced the confession statement and it reveals that on the instructions given by A1 the petitioner herein had stolen guns which were kept in the police station. It is also seen that the CCTV footages that the petitioner had stolen guns. However both the guns and bullets were recovered from, the petitioner herein.

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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, Thanjavur District

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 and 5.30 pm., 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/-
24/11/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUDUR, THANAJAVUR DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANAJAVUR DISTRICT AT KUMABAKONAM.

3.THE INSPECTOR OF POLICE,
DCB POLICE STATION,
THANJAVUR DISTRICT.

4.THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

ORDER
IN
CRL OP(MD) No.13378 of 2020
Date :24/11/2020

AAV
TK/PN/SAR.3/24.11.2020/3P/6C