



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.13559 of 2020

Sankar

... Petitioner/Accused No.A5

Vs

State through
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.339/2012.

... Respondent/Complainant

For Petitioner : M/s.A.Ananda Raj,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

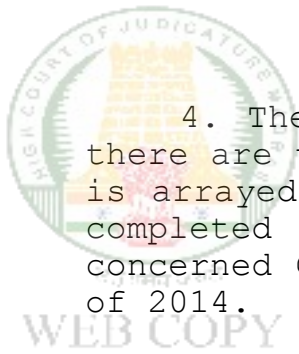
For a Bail in Crime No.339 of 2012 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 09.10.2020 for the offences punishable under Sections 395 r/w.397 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused entered into the house of the defacto complainant and had taken away 15 sovereigns of gold jewels.

3.The learned counsel for the petitioner would submit that the petitioner did not appear before the trial Court on 09.12.2019, hence Non Bailable Warrant was issued and the petitioner was secured on 09.10.2020 and he is in custody for nearly 45 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally ten accused in this case and the petitioner herein is arrayed as A5. He would also submit that the respondent police completed investigation and also filed final report before the concerned Court and the same has been taken cognizance in PRC No.04 of 2014.

5. 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:

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.II, Ramanathapuram

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 learned Judicial Magistrate No.II, Ramanathapuram 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/-

27/11/2020

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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 JUDICIAL MAGISTRATE NO. II,
RAMANATHAPURAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13559 of 2020
Date : 27/11/2020

AAV
AE/PN/SAR-III (27.11.2020) 3P / 6C