



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13762 of 2020

K.Saravanan

... Petitioner/2nd Accused

Vs

1. The Inspector of Police,
Thottiyam Police Station
Trichy District.
Crime No.1151/2020.

...1st Respondent/Complainant

2. P.Jayasurya

...2nd Respondent/Defacto Complainant

For Petitioner : M/s.N.Sudhagar Nagaraj,
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. 1151/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A-2, who was arrested and remanded to judicial custody on 18.10.2020 for the offence punishable under Section 379 of IPC.

2.The case of the prosecution is that on 18.10.2020, the defacto complainant who is a student who has parked his Hero Splendor Plus Two-wheeler bearing Regn. No.TN-48-AP-0609 at the entrance of Thottiyam Bus stand near Vennila Coffee shop for dropping his father and after dropping his father, the defacto complainant's vehicle was found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name was not mentioned in the FIR and he has been falsely implicated by the respondent police. He would also submit that the petitioner is in jail for more than 37 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that the property was recovered by the respondent police.

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 Judicial Magistrate, Musiri, Trichy 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 morning at 10.30 a.m. and at 05.00 p.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/-
02/12/2020

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

ORDER

IN

CRL OP(MD) No.13762 of 2020

Date : 02/12/2020

MS/AKM/SAR-3/02.12.2020/3P.6C