



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

Date : 02/12/2020

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PRESENT

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

CRL OP(MD). No.13819 of 2020

Deepak

... Petitioner/Accused No.1

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.

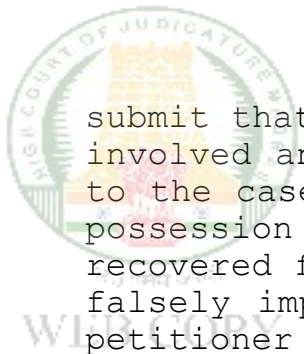
PRAYER :-For Bail in Crime No.20 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 15.10.2020 for the alleged offence under Section 380 of IPC, in crime no.20 of 2020, seeks bail.

2. The case of the prosecution is that two guns and five bullets kept under the Thirupanandal Police Station relating to a case registered in its Crime No.79 of 2020 were found missing. Thereafter, it was found in possession of A-2 and on his confession statement revealed that, when A-1 was working as a Constable at Thirupanandal Police Station he had stolen two guns and five bullets and kept the same in his house. Thereafter, A-1 instructed A-2 to get back those guns to keep the same in the police station and the respondent police caught hold A-2 and recovered two guns and five bullets. hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is absolutely without any nexus to the A-2 and he never instructed to get back the guns from his house. He would further



submit that he has been falsely implicated in this case and he never involved any offence as alleged by the prosecution. Even, according to the case of the prosecution, while the guns and bullets, wherein possession of A-2, he was caught hold by the respondent police and recovered from him, only based on the confession of A-2, he has been falsely implicated as an accused. He would also submit that the petitioner is in jail for more than 44 days, hence he may be granted bail.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. It is seen from the records that the petitioner is arrayed as A-1. He was working as Constable attached to the Thirupanandal Police Station. While being so, two guns and five bullets were kept in the police station relating to the Crime No.79 of 2020 and those guns were not able to deposit before the concerned Court because of COVID-19 pandemic situation. Utilising the said situation, the petitioner has stolen two guns and five bullets and kept the same in his house. Thereafter, A-1 instructed A-2 to get back those guns to keep the same in Thirupanandal police station, while A-2 taken the guns and proceeded to the Police station he was caught hold by the respondent police and recovered two guns and five bullets.

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 sureties each for a like sum to the satisfaction of the learned District Munsif-Cum-Judicial Magistrate, Thiruvidaimarudur, 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 morning at 10.30 a.m. and evening 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 were breached 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.

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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, THANJAVUR DISTRICT.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
DCB POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
PUDUKKOTTAI DISTRICT JAIL, PUDUKKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13819 of 2020
Date :02/12/2020

KSA
TK/PN/SAR.3/02.12.2020/3P/6C