



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

Date : 09/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1318 of 2021

Hazar @ Surya

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Keelaparalachi Police Station,
Virudhunagar District.
(Crime No.182/2020)

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu, 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.182/2020 on the file of the respondent police.

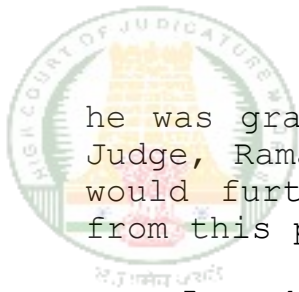
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 08.12.2020 for the offence punishable under Section 392 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 01.12.2020 when the defacto complainant and her daughter was going in a two wheeler the petitioner along with other accused said to have snatched 4 sovereigns of gold chain from the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the stolen property has been recovered and the petitioner is in jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner along with other accused said to have snatched 4 sovereigns of gold chain from the defacto complainant. He would also submit that the petitioner is involved in similar type of offence in Crime No. 182 of 2020 on the file of the Kamuthi Police Station and



he was granted bail by the learned Principal and District Sessions Judge, Ramanathapuram in Crl.M.P. No.3053 of 2020 on 04.01.2021. He would further submit that the stolen property has been recovered from this petitioner.

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 property has been recovered and also the fact the petitioner was granted bail in another case by the learned Principal and District Sessions Judge, Ramanathapuram 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai, Virudhunagar 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 Kamuthi Police Station daily at 10.30 a.m until further orders and after the condition being relaxed before the Kamuthi Police Station the petitioner shall report before the Inspector of Police, Keelaparalachi Police Station, Virudhunagar District daily at 10.30 am., for a period of two weeks.

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/-
09/02/2021

/ TRUE COPY /

/ /2021
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,
ARUPPUKOTTAI, VIRDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
KEELAPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION.

ORDER

IN

CRL OP(MD) No.1318 of 2021

Date : 09/02/2021

AAV

MS/VR/SAR-1/09.02.2021/3P.7C