



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1996 of 2021

S.Antony Jesubalan

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.
Crime No.831 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.Prabhu Rajadurai,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

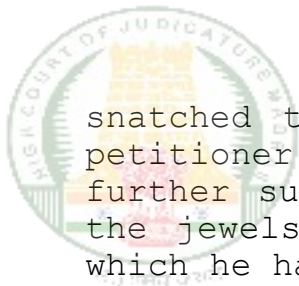
PRAYER :- For Bail in Crime No.831/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.01.2021 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 23.12.2020 at about 09.15 pm., when the defacto complainant was sitting on her two wheeler speaking in the mobile phone near Jeba Garden, Palayamkottai a white colour car came there and stopped near her and a person got down from the car and snatched the gold chain from her left the place. Hence the complaint.

3.The learned counsel for the petitioner would submit that the occurrence said to have taken place on 23.12.2020 and the petitioner was taken to custody on 19.01.2021 nearly after a month. The petitioner is running a travels and one of the driver is shown as A2 in this case and it is projected as though the petitioner while travelling in his car driven by A2 had seen the defacto complainant sitting near the two wheeler, he got down from the car and



snatched the gold chain from her. He would also submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner has been taken to custody and the jewels of the petitioner's wife was seized in this case, for which he has sent several representation to various authorities.

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4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant belong to Chettiyar community and the petitioner belongs to Christian Nadar community. It is a known fact that each community have distinct identification of thali chain and on the date of occurrence the defacto complainant's thali chain was snatched. The petitioner belongs to Maravanmadam. Thereafter on the complaint of the defacto complainant CCTV footages were verified near NGO Colony Tirunelveli, V.M.Chathiram, Vagaikulam Toll gate, Anthoniyarpuram and thereafter they found from the CCTV footages a distinct mark in the car driven by the accused persons was identified and found the petitioner involved in the commission of offence and later the thali chain was recovered. He would further submit that the petitioner was running a travels with four cars and during the corona period and lock down restrictions, he had lost his business and he was unable to pay the EMI amount and got involved in such types of crimes, hence he opposed to grant bail to the 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 no previous case is pending against the petitioner, 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 No.I, Tirunelveli

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 for a period of two weeks and thereafter as and when required for interrogation.

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/Judicial Magistrate No.I, Tirunelveli 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/-

16/02/2021

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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.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION, TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO Mr.G.Prabhu Rajadurai, Advocate, SR NO.1121

ORDER

IN

CRL OP(MD) No.1996 of 2021

Date :16/02/2021

AAV

MS/VR/SAR-2/16.02.2021/3P.7C