



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

Date : 25/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3031 of 2021

B.Mohanraj

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Airport Police Station,
Trichy District.
Crime No.46/2021.

... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani,
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. 46 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein who was arrested and remanded to judicial custody on 21.01.2021 for the alleged offence under Section 380 of IPC, in Crime No.46 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were said to have committed theft of electrical items worth about Rs.20,000/- from the defacto complainant's godown. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would also submit that since the petitioner previously employee of A1, he has been falsely implicated in the above case. He would also submit that A1 has been released on Section 439 of Cr.P.C. by the respondent Police.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner along with A1 had taken away the electrical items worth about Rs.20,000/- from the defacto complainant's godown. He would also submit that the respondent police has released A1 on bail on their own bond and property has been recovered.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and A1 has been released on station bail by the respondent Police, this Court is inclined to grant bail to the petitioner by imposing 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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirappalli 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 at 10.30 a.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/-
25/02/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE No.IV,
TRICHIRAPPALLI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-1486[I] dated 25/02/2021)

ORDER
IN
CRL OP(MD) No.3031 of 2021
Date :25/02/2021

VSG

TK/VR/SAR.1/25.02.2021/3P/7C