



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

Date : 08/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3605 of 2021

D.Lakshmanan

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.81 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.S.Kishok Kumar,
Advocate.

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

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

PRAYER :-

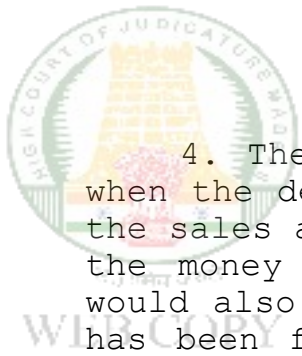
For Bail in Crime No.81 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused , who was arrested and remanded to judicial custody on 09.02.2021 for the offence punishable under Section 379 of IPC on the file of the respondent police seeks bail.

2.The defacto complainant is the Supervisor of Tasmac Shop. The case of the prosecution is that on 08.02.2021 when the defacto complainant was going in a two wheeler to deposit the same amount of Rs.5,14,620/- the petitioner herein stopped the vehicle and said to have stolen the case. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that entire money has been recovered and no previous case is pending against the petitioner.



4. The learned Government Advocate(Crl.Side) would submit that when the defacto complainant was going in a two wheeler to deposit the sales amount of the tasmac shop the petitioner herein had taken the money from the defacto complainant without his knowledge. He would also submit that the investigation completed and charge sheet has been filed before the concerned Court. He would also submit that entire money has been recovered and no previous case is pending against 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 the fact that the entire money has been recovered and no previous is pending against the petitioner and also the fact that the investigation has been completed and the final report has been filed before the concerned Court, 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) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.V, 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 trial court on all hearing dates without fail.

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/-
08/03/2021

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

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-1865[I] dated 08/03/2021)

ORDER
IN
CRL OP(MD) No.3605 of 2021
Date :08/03/2021

AAV
TK/PN/SAR.1/08.03.2021/3P/7C