



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3875 of 2021

Chinna Durai

... Petitioner/Accused No.1

Vs

State through:
The Sub Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District
Crime No.28/2021.

... Respondent/Complainant

For Petitioner : Mr.Joseph Zinoson.J,
Advocate.

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

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

PRAYER :-

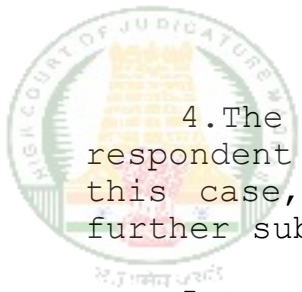
For Bail in Crime no. 28 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein who was arrested and remanded to judicial custody on 01.02.2021 for the alleged offence under Sections 109, 414 and 411 of IPC, in Crime No.28 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were said to have stolen 10 sovereigns of gold jewel from the defacto complainant and sold the same to another accused. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in the above case. He further submitted that A4 has already been arrested and released on bail by the Judicial Magistrate, Thoothukudi. Hence, he seeks bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that totally there are four accused in this case, in which, the petitioner has been arrayed as A1. He further submitted that the property has been recovered.

5.On perusal of the materials available on records, it is seen that totally there are four accused in this case, in which, the petitioner has been arrayed as A1. The petitioner along with A1 had gone to the house of the defacto complainant and asked the defacto complainant to drink water. When the defacto complainant was offering them water, Thali chain weighing 10 sovereigns of the defacto complainant was snatched by the petitioners and other accused persons and thereafter, they escaped from the scene of occurrence by using bike. Thereafter, the petitioner had handed over the chain to A3, who in turn had handed over to A4. A4 has already been granted bail by the Judicial Magistrate, Tiruchendur.

6.Taking into consideration the facts and circumstances of the case and the fact that the petitioner is a daily wages earner and he got five months old child and he has no bad antecedents and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing 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 Judicial Magistrate, Trichendur, Thoothukudi 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 on every Sunday 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/-

12/03/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
TRICHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE SUB INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE SUPERINTENDENT,
PALAYAMKOTTAI CENTRAL JAIL,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3875 of 2021
Date :12/03/2021

NR/VR/SAR-I (12.03.2021) 3P:6C