



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4990 of 2021

Prabhakaran @ Captain Prabhakaran

... Petitioner/Accused No.7

Vs

The State rep.by,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District
Crime No.72/2021.

... Respondent/Complainant

For Petitioner : M/s.Fazil Kirmani.B.,
Advocate.

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

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

PRAYER :-

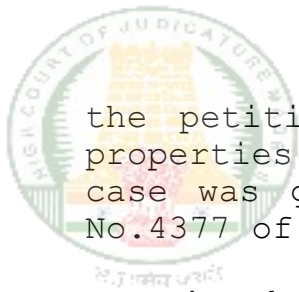
For Bail in Crime no. 72 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 23.02.2021 for the offence punishable under Section 397 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused said to have stolen paint tins from the lorry of the defacto complainant worth about Rs.20,000/- and fled away from the scene of occurrence. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence and he
<https://hcrs.ces.legis.gov.in/cses/cv/> implicated in this case. He would also submit that



the petitioner is in jail for more than 30 days and the stolen properties have been recovered. He would also submit that A6 in this case was granted bail by this Court on 22.03.2021 in Crl.O.P(MD) No.4377 of 2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is a lorry driver. On 23.02.2021 at about 2.00 am., when he was coming to Madurai via Sempatti Nilakottai Highway Road near Michelpalayam Bus stop all the accused persons intercepted the lorry and stolen paint tins from the lorry worth about Rs.20,000/- and now the stolen properties have been recovered. He would also submit that no previous case of similar nature is pending against the petitioner. He would also submit that A6 in this case was granted bail by this Court on 22.03.2021 in Crl.O.P(MD) No.4377 of 2021.

5. It is seen that the petitioner is the owner cum driver of the omni van in which the accused persons said to have travelled and intercepted the lorry of the defacto complainant and stolen paint tins worth about Rs.20,000/- and the entire property has been recovered. No previous case of similar nature is pending against the petitioner.

6. 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 A6 in this case was granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following 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, Nilakottai

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 *Shriji 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/-
01/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
NILAKOTTAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT
 - 4 THE OFFICER INCHARGE,
SUB JAIL, PALANI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.FAZIL KIRMANI, Advocate SR.No.2851

ORDER
IN
CRL OP(MD) No.4990 of 2021
Date :01/04/2021

NR/VR/SAR-I(01.04.2021) 3P:7C