



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12047 of 2021

G.Tamilselvan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
K. Pudur Police Station,
Madurai
(Crime No. 701 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.CHANDRASEKARAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 701 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 23.07.2021, for the offence punishable under Sections 381 and 441 of IPC, in Crime No.701 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner purchased stolen properties from the first accused.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and not aware of the transaction between the first accused and the defacto complainant. The petitioner is ready to co-operate with the investigation. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) submits that 60% of the stolen properties have been recovered from the petitioner and the remaining 40% of the properties are yet to be recovered.



5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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.VI, Madurai and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/08/2021

/ 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 NO.VI
MADURAI.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT, MADURAI.

4.THE INSPECTOR OF POLICE
K. PUDUR POLICE STATION,
MADURAI

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12047 of 2021

Date :23/08/2021

SA/PN/SAR.4/23.08.2021/3P/6C