



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12846 of 2021

S.Najumuthin ... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Airport Police Station
Trichy City
Crime No.337 of 2021 ... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
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.337 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 12.08.2021 for the offence punishable under Section 379 I.P.C, in Crime No.337 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has stolen the defacto complainant's motor vehicle on 05.08.2021. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is a bike mechanic. Under the influence of alcohol, he has mistakenly taken the defacto complainant's bike on 05.08.2021 and on the next day, he has also left the same in the police station itself. However, the respondent police has registered the case as against this petitioner. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in jail from 12.08.2021 and hence, he prays for grant of bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that apart from this case, the petitioner has not involved in any other offences. The said motor bike has been recovered and the final report is yet to be filed.

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5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against this petitioner, the fact that the petitioner has not involved in any other offences and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 VI, Tiruchirappalli 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 Aadhaar 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/-

03/09/2021

/ 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,
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE
AIRPORT POLICE STATION, TRICHY CITY.

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

+1. CC to Mr.S.SIVAKUMAR, Advocate SR.No.5947

ORDER
IN
CRL OP(MD) No.12846 of 2021
Date :03/09/2021

MSA

SS/JC/SAR-II/06.09.2021 : 3P/7C