



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14859 of 2021

Vignesh Babu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Keeraithurai Police Station,
Madurai City.

In Crime No.665 of 2021

... Respondent/Complainant

For Petitioner : Mr.Uthayakumar,
for Mr.K.Ganesh Kumar,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

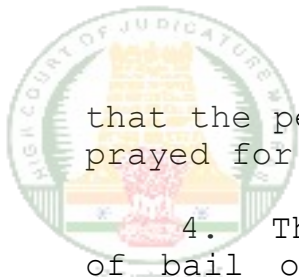
PRAYER :-For Bail in Crime No.665 of 2021 on the file of Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 14.09.2021, for the offence punishable under Section 380(NH) of IPC in Crime No.665 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Manager of one Muthuramalingam. The said Muthuramalingam has performed marriage to his daughter at Velammal Kattar Marriage Hall. During the marriage time, the defacto complainant was asked to keep the jewel box (containing 9 ½ sovereigns) at bridegroom's room in the Marriage Hall and he kept the jewel box in the room of bridegroom. At a later point of time, he went to the room for taking the jewel box, but, the box was found missing.

3. The learned counsel appearing for the petitioner submits that the petitioner never committed the offence as alleged by the prosecution. The petitioner is the one of the invitees of marriage and he is the son of a jewelry owner and he was taken into police custody by the respondent Police, as if he has stolen the jewels. The respondent Police forcibly obtained the statement from the petitioner while he was in the police custody. He further submits



that the petitioner is inside the prison from 14.09.2021. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the petitioner is also involved in another case in Crime No.739 of 2021, u/s. 392 and 397 IPC.

5. The learned counsel appearing for the petitioner submits that the petitioner is ready to file an undertaking affidavit before respondent Police that he will not indulge in any other offence.

6. Considering the facts and circumstances of the case, the period of incarceration and his readiness to file an undertaking affidavit, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent Police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m., until further orders;

[e] the petitioner shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he will not indulge in any other offence in future;

[f] the petitioner shall not abscond during the trial;



[g] the petitioner shall not tamper with the evidence or witness during trial;

[h] 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 is 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]**.

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

sd/-

08/10/2021

/ TRUE COPY /

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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.IV,
MADURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14859 of 2021

Date :08/10/2021

OGY

MK/JM/SAR.IV/08.10.2021/3P/6C

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