



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15798 of 2021

S.Karthikeyan, ...Petitioner/5th Accused

Vs

State Rep by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No. 231 of 2021). ... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian, Advocate

For Respondent : Mr.E.Antony Sahaya Prabhahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 231 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/5th accused, who was arrested on 16.09.2021 for the alleged offence under Sections 454 and 380 IPC @ Sections 454, 380 and 414 IPC in Crime No.231 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.08.2021, the petitioner has stolen 268 grams of gold jewels along with silver articles weighing 30 grams from the house of the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner



is in jail from 16.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioner and the Investigation Officer has also recovered the jewels from the accused/petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamuthiram, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

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

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 229-A IPC.

sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr/mm

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



TO

1. The Judicial Magistrate, Ambasamuthiram,

2. Do Through The Chief Judicial Magistrate,
Tirunelveli.

3. The Superintendent, Central Jail, Palayamkottai.

4. The Inspector of Police,
Alwarkurichi Police Station, Tenkasi
District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15798 of 2021
Date : 12/10/2021

MK/VR/SAR-II(12.10.2021) 3P 6C