



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.15951 of 2021

Pitchumani

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.231 of 2021.

... Respondent/Complainant

For Petitioner : Mr.DHANNVANDH, Advocate
for Mr.K.R.LAXMAN, Advocate
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
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/A4, who was arrested and remanded to judicial custody on 17.09.2021 for the offences under Sections 454 and 380 I.P.C @ Sections 414, 454 and 380 I.P.C, 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, when the defacto complainant and his family members went for temple, the accused Nos.1 and 2 trespassed into the house of the defacto complainant and stolen 268 grams of gold jewels from there. Under the confession statement given by the accused Nos.1 and 2, the accused Nos.3 to 5 were implicated.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is also the purchaser of the alleged stolen jewels and based on the confession statement given by the co-accused, he has been implicated in this case and there is no specific overt act attributed as against the petitioner at any point of time. He further submitted that petitioner is in



judicial custody from 17.09.2021 onwards and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that totally there are five accused involved in this case and the petitioner herein is arrayed as A4. The accused Nos.1 and 2 trespassed into the house of the defacto complainant and stolen 268 grams of gold jewels from there and sold the same to the accused Nos.3 to 5. Based on the confession statement given by the co-accused, he has been arrested and remanded to judicial custody. He further submits that the petitioner is not having any previous case and the investigation is going on.

5.Considering the facts and circumstances of the case, the overt act attributed as against the petitioner and also the period of incarceration and considering the fact that the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Judicial Magistrate, Ambasamudram and on further condition 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 am. for a period of 30 days, and thereafter, as and when required for interrogation.

[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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/10/2021

/ 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 JUDICIAL MAGISTRATE
AMBASAMUDRAM
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.LAXMAN K.R. Advocate SR.No.7188

ORDER

IN

CRL OP(MD) No.15951 of 2021

Date :12/10/2021

SA/PN/SAR.2/12.10.2021/3P/7C