



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

Date : 23/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17937 of 2021

Dhinakaran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
(Crime No.128 /2021)

... Respondent/Complainant

For Petitioner : M/s.Santhanam Rajesh Kumar B,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.128 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 11.09.2021 for the offences punishable under Sections 454 and 380 of IPC in Crime No.128 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.02.2021 the defacto complainant and his wife went to attend a function and when they returned back, they saw the door of the house broken and found 2 ½ sovereigns gold jewels and one two wheeler found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in judicial custody from 11.09.2021. He would further submit that the stolen property has been recovered, hence he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner is having six previous cases and that he may abscond if he is released on bail.



5.Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 11.09.2021 and that the property has been recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 No.I, Karur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[ii] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

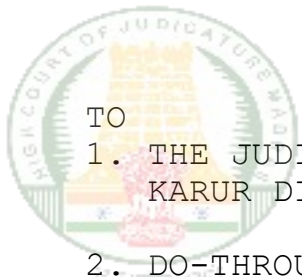
vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/11/2021

/ 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.I,
KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY, TRICHY DISTRICT.
4. THE INSPECTOR OF POLICE,
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17937 of 2021
Date :23/11/2021
1/2

AAV
MS/VR/SAR-2/23.11.2021/3P.6C