



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9620 of 2022

Murugan @ Karuppan

... Petitioner

Vs.

State Represented by
Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Cr.No.1999 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Cr..No.1999/2020, on the file of the respondent Police.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 04.08.2021 and remanded to judicial custody for the alleged offence under Sections 394, 459, 397, 342, 114 of IPC in Cr.No.1999 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused persons have committed theft of 821 bottles of brandy in Tasmac shop. Based on the complaint, the respondent police have registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 04.08.2021, more than seven months and further the investigation is almost completed and prays for grant of bail.

4. The learned Government Advocate (Crl.Side) vehemently opposed for grant of bail by submitting that the petitioner is an habitual offender and he used to break open the TASMAC shop and steal the



brandy bottles and further 11 previous cases of similar nature are pending against him and prays for dismissal of this petition.

5. This Court paid its careful consideration to the submissions advanced by the learned counsel on either side. Since the investigation is almost completed and the petitioner is languishing in jail for more than seven months, this Court, in the fitness of things is of the considered view that the petitioner could be enlarged on bail on the following conditions :-

6. Accordingly, the petitioner is directed to be released on bail subject to the following conditions:

(a) the petitioner Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ulundurpet Taluk ;

(b) 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;

(e) the petitioner shall appear before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or 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 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]; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO.1, ULUNDURPET TALUK.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE
ULUNDURPET POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary
charges SR.NO. 6392

CRL OP.9620/2022

Date :27/04/2022

RW 29/04/2022