



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4130 of 2022

1.Nirmalraj @ Anilkumar

2.Gopal @ Kunjugopal

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District,
(Crime No.1276 of 2021)

... Respondent/Complainant

For Petitioners : Mr.S.Veerapandi Selvaraj
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.1276 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 05.01.2022 for the offences punishable under Sections 457, 380, 436 and 411 of IPC, in Crime No.1276 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had trespassed into the de-facto complainant's house, stolen 13 sovereigns of gold jewels and valuable documents and also set fire to the house. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and that they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 05.01.2022. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor for the respondent police would submit that the first petitioner is having 13 previous cases and the second petitioner is having 14 previous cases. He would further submit that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioners are in judicial custody from 05.01.2022 and also the fact that investigation is almost completed as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of crime No.1276 of 2021 before the learned Judicial Magistrate No.II, Dindigul, without prejudice to their rights and contentions before the trial Court.

7.On such deposit, the petitioners are ordered to be released on bail on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul and on further conditions that:

(a)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;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond 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 petitioners 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;



(f)if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2022

/ TRUE COPY /

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10/03/2022

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.2
DINDIGUL
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4130 of 2022
Date :10/03/2022

SJI
MK/PN/SAR.II/10.03.2022/3P/6C