



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6218 of 2022

Sountharapandi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
Cr.No.30 of 2022.

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu,
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.30 of 2022 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 28.02.2022 for the offences punishable under Section 397 IPC, in Crime No.30 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is owning the Marriage Hall in the name of Nimi Birla, that on 25.02.2022, the petitioner went to the said marriage hall and asked for rent for his daughter's puberty ceremony, that further on 26.02.2022, the petitioner again came to the marriage hall and he pointed out some unhygienic in the toilet and that when the de-facto complainant seeing the toilet, the petitioner assaulted the de-facto complainant on the backside of his head and he fell down, the petitioner snatched 8 sovereigns of gold chain worth about Rs.1,60,000/- from the de-facto complainant and ran away from the marriage hall. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner was arrested on 28.02.2022, that the property was recovered and that he is not having any previous case for similar or serious offence.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and that the petitioner is not having any bad antecedents.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 28.02.2022 and also the facts that the property has been recovered and that the petitioner is not having any previous case for similar or serious offence or for any other property offence, 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 Court No.II, Virudhunagar.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

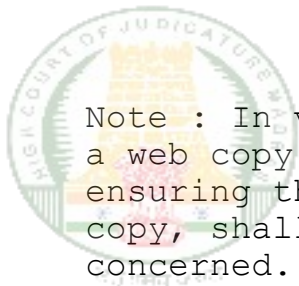
sd/-

05/04/2022

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05/04/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON,
VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2945[I] dated
05/04/2022)

ORDER
IN
CRL OP(MD) No.6218 of 2022
Date :05/04/2022

RS/PN/SAR.1 (05.04.2022) 3P-7C