



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8303 of 2022

1. Azhagubose
2. Villammal

... Petitioners/ Accused No.1 & 3

Vs

The State represented through
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.636 of 2021)

... Respondent/ Complainant

For Petitioners : Mr.G.Vishnuram,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-For Bail in Crime No.636 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.3, who were arrested and remanded to judicial custody on 29.03.2022 for the offence punishable under Section 379 IPC, in Crime No.636 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused had stolen 600 meter copper wire from the defacto complainant's factory. Worth about Rs.30,000/-. Hence, the complaint.

3.The learned Government Advocate (Criminal Side) would submit that the property has been recovered, that the first petitioner is not having any previous cases and that the second petitioner is having five previous cases for similar offence.



4.At this juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition as far as the second petitioner is concerned and he has also made an endorsement to that effect. Hence, this petition is dismissed as withdrawn as against the second petitioner concerned.

5.The learned counsel for the petitioners would submit that the first petitioner is innocent and he has not committed any offence as alleged by the prosecution.

6.Considering the above facts and circumstances and also the facts that the first petitioner is in judicial custody from 29.03.2022, that the property has been recovered and that the first petitioner is not having any previous cases for similar offence or property offence, this Court is inclined to grant bail to the first petitioner with certain conditions.

7.Accordingly, the first 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, Kamuthi, Ramanathapuram 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 first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the first petitioner shall not tamper with evidence or witness;

(iv)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 first petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/04/2022

/ TRUE COPY /

29/04/2022
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.

TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE OFFICER INCHARGE,
SUB JAIL, MUDUKULATHUR, RAMANATHAPURAM DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8303 of 2022
Date :29/04/2022

CSM
MK/PN/SAR.III/29.04.2022/3P/7C