



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

Date : 15.06.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10614 of 2022

1. Ajith Kumar
2. B.Vijayasurya

... Petitioners/Accused No.1&2

Vs

State represented by
The Inspector of Police,
Government Hospital Police Station,
Trichy District.
(Crime No.221 of 2022)

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. side).

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

PRAYER :-

For Bail in Crime No.221 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who were arrested and remanded to judicial custody on 13.05.2022 for the offences punishable under Sections 457 and 380 IPC, in Crime No.221 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused had stolen a sum of Rs.1,13,000/- from the defacto complainant's godown. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is an employee under the defacto complainant and that the second petitioner is the friend of the first petitioner.



4.The learned Government Advocate (Criminal Side) would submit that out of Rs.1,13,000/-, Rs.95,000/- was recovered from the accused and the remaining amount of Rs.18,000/- is yet to be recovered.

5.Considering the above facts and circumstances and also the facts that a sum of Rs.95,000/- has already been recovered and that the petitioners are not having any previous cases for similar offence or property offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to deposit a sum of **Rs.9,000/- (Rupees Nine Thousand only)** each to the credit of Crime No.221 of 2022 on the file of the respondent police, without prejudice to their rights and contentions.

7.On such deposit, the petitioners are ordered to be released on bail on their executing 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.IV, Trichy.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

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

(iv)the petitioners 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 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]***.

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

sd/-
15/06/2022

/ TRUE COPY /

15/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
TRICHY DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10614 of 2022
Date :15/06/2022

csm
USK/VR/SAR-I/15.06.2022/3P/6C