



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

Date : 14/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18389 of 2022

John Vimal Satheesh

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District
(Crime No.224 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Anand R,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

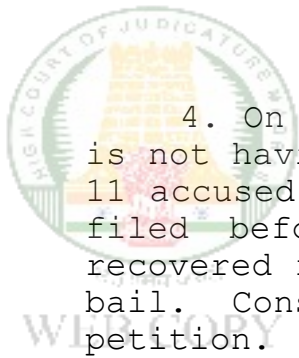
For Bail in Crime No.224 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 15.07.2022 for the alleged offence under Sections 342, 394 IPC, in Crime No.224 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.06.2022, the accused persons trespassed into the defacto complainant's house and tied his parents with rope and thereafter, stolen Rs.3,00,000/- and jewels worth about Rs.24,70,000/- from his house. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. In this case, charge sheet was filed and the co-accused were released on bail by the lower Court. The petitioner is in custody from 15.07.2022. This is the second bail petition. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that the petitioner is not having any previous case at his credit. In this case, totally 11 accused and the petitioner is arrayed as A6 and charge sheet was filed before the concerned Court and also Rs.1,59,000/- was recovered from the petitioner. Further, co-accused were released on bail. Considering the gravity of the offence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that this is the second bail petition and the charge sheet was filed before the concerned Court and the co-accused were released on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Tenkasi.

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 appear before the lower Court on all hearings without fail;

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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/10/2022

/ TRUE COPY /

14/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
TENKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-11445[I] dated 14/10/2022)

ORDER
IN
CRL OP(MD) No.18389 of 2022
Date :14/10/2022

pnm
USK/VR/SAR- /14.10.2022/3P/7C