



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

Date : 17/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.18395 of 2022

Baskaran

... Petitioner /Accused No.8

Vs.

State represented through
The Inspector of Police,
District Crime Branch Police Station,
Thanjavur District.
Crime No.23 of 2022.

... Respondent/Complainant

For Petitioner : Mr.T.A.Ebenezer, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate

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

PRAYER :-

For Bail in Crime No.23/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.08.2022, for the offences punishable under Sections 120(B), 406, 409 and 381 of IPC in Crime No.23 of 2022, on the file of the respondent police, seeks bail.

2. On the side of the petitioner, it is stated that totally 5 named and accused and 3 unnamed accused were impleaded in the case. The petitioner is A8 in the case. Only on the confession of co-accused, the petitioner was impleaded in the case. Already co-accused - A2 to A7 were released on bail, recovery of the goods is only from A2. Only because A8 is the brother of A6, he was impleaded in the case. The petitioner is in custody for the past 65 days and prayed the petitioner to be released on bail.

3. On the side of the prosecution, it is stated that A1 to A5 in this case were working in the police canteen, they committed theft of articles work about Rs.40,00,000/-. A6 to A8 used to sell



the stolen articles through their shops. Only a portion of the articles were recovered and the balance of the articles are yet to be recovered. He has fairly admitted that there is no previous case against the petitioner and the investigation is almost over and prayed the petition to be dismissed.

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5. Considering the period of incarceration and considering the fact that co-accused were already released on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur, and on further conditions that:

(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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

17/10/2022

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17/10/2022

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.I,
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-11512[I] dated 17/10/2022)

ORDER

IN

CRL OP(MD) No.18395 of 2022

Date :17/10/2022

LS

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