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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19222 of 2022

1. Ayyamperumal

2. A.Sarathkumar

... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Naducauvery Police Station,
Thanjavur District.
Cr.No.397/2022.

... Respondent/Complainant

For Petitioner : M/s.Kannan K,
Advocate.

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

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

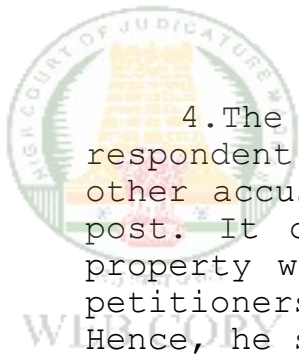
PRAYER :- For Bail in Crime No.397/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who were arrested and remanded to judicial custody on 05.10.2022 for the offence punishable under Section 379 of IPC, in Crime No.397 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the vertical post, which contains 52 Kg of Iron was stolen by the petitioners and other accused. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners are in custody from 05.10.2022 and no previous case is pending against the petitioners. Hence, he prays for grant of bail to the petitioners.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioners along with other accused said to have committed an offence of theft of vertical post. It contains 52 Kg of Iron and worth about Rs.30,000/-. The property was recovered and no previous case is pending against the petitioners. But, however, the investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioners.

5.Considering the period of incarceration and also considering the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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].

sd/-
31/10/2022

/ TRUE COPY /

31/10/2022
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,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KANNAN K Advocate SR.No.12097

ORDER

IN

CRL OP(MD) No.19222 of 2022

Date :31/10/2022

DSS

SA/SBN/SAR.1/31.10.2022/3P/7C