



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20261 of 2022

1. Packirisamy,
2. David Arun,
3. Rajendran,
4. Mahendran,
5. Kamaraj, ... Petitioners/Accused Nos.1 to 5

Vs

The State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.656 of 2022

... Respondent/Complainant

For Petitioners : M/s.Karunakaran K.M.,
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.656 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who were arrested and remanded to judicial custody on 18.10.2022 for the offences punishable under Sections 170, 420 and 380 of IPC @ Sections 170, 420, 380, 120(B) and 34 of IPC, in crime No.656 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is native of Ceylon and now settled at Pattukkottai and his sons are at abroad and they used to send money to him and he withdrew a sum of Rs.8,45,000/- from his bank account and kept it at his house. While so, on 17.10.2022, the petitioners came to the house of the defacto complainant by car and made a search as if they are CID



Officers and also they stolen away the said amount. He complaint.

3.The learned counsel for the petitioners would submit the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that they have been falsely implicated in this case and they are in judicial custody from 18.10.2022 and hence, they may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners came to the house of the defacto complainant and made a search as if they are CID Officers and stolen away a sum of Rs.8,45,000/-, out of which, Rs.7,90,000/- has been recovered and the balance amount has to be recovered. He would further submit that investigation in this case is still pending. Hence, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that major portion of the stolen amount has been recovered and five witnesses have been examined so far, this Court is inclined to grant bail to the petitioners on certain 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, Pattukottai.

(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/-

18/11/2022

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18/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.KARUNAKARAN K.M. Advocate SR.No.13252 (I)
Date:18/11/2022.

ORDER

IN

CRL OP(MD) No.20261 of 2022

Date :18/11/2022

cp
SA/SSS/SAR. /18.11.2022/3P/7C