



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

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21262 of 2022

Subramanian

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime No.185 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K.P.,
Advocate.

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

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

PRAYER :-

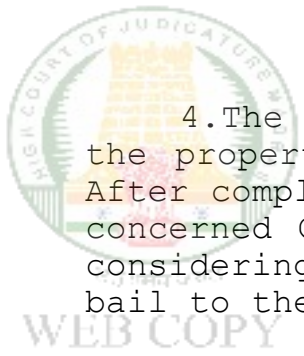
For Bail in Crime No.185 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 07.11.2022 for the offences punishable under Sections 379 of IPC, in Crime No.185 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.11.2022, unknown persons stolen the aluminum wire, which was kept in the premises of E.P office worth about Rs.85,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A2) was already released on bail and the petitioner is in judicial custody from 07.11.2022. Hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that the property was recovered. The co-accused was released on bail. After completion of investigation, charge sheet was filed before the concerned Court and the same was not taken on file so far. However, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that the co-accused was released on bail, the stolen property was recovered and charge sheet was filed before the concerned Court, 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 learned Judicial Magistrate No.I, Tirunelveli.

(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 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].

sd/-
01/12/2022

/ TRUE COPY /

01/12/2022
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



TO

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-14196[I] dated
01/12/2022)

ORDER
IN
CRL OP(MD) No.21262 of 2022
Date :01/12/2022

dss
USK/SSS/SAR-III/01.12.2022/3P/7C