



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

Date : 20/12/2022

PRESENT

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**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.22510 of 2022

Vadivel

... Petitioner/4<sup>th</sup> Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Salaigramam Police Station,  
Sivagangai District.  
(Crime No.102/2022).

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T,  
Advocate

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor

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

PRAYER :-

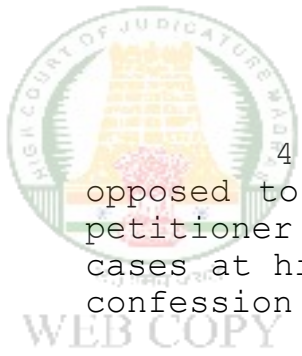
For Bail in Cr No.102/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.12.2022, for the offences punishable under Sections 454, 457, 380 of I.P.C, in Crime No.102 of 2022, seeks bail.

2.The case of the prosecution is that the accused A1 to A3 have stolen the scheduled commodities, which meant for Public Distribution and sold the same to the A4/petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case, based on the confession of the co-accused. The petitioner is running a rice mill and having permanent residence. He further submitted that the petitioner is in judicial custody from 02.12.2022 and ready to abide any stringent condition. Hence, prays for bail.



4. The learned Additional Public Prosecutor would vehemently opposed to enlarge the petitioner on bail, on the ground that the petitioner is a habitual offender and he is having three previous cases at his credit and he was implicated in this case, based on the confession of co-accused. Hence, prays to dismiss the petition.

5. In response, the learned counsel for the petitioner would submit that though the petitioner is innocent, to show his *bona fide*, he is ready to donate/deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime Number. Hence, prays for bail.

6. Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner's readiness to deposit amount, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner shall made a deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime Number 102 of 2022**, without prejudice to his rights and contentions before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

8. (a) On deposit being made, the petitioner is ordered to be released on bail on condition to execute 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, Ilayangudi** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-  
20/12/2022

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/ TRUE COPY /

20/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,  
ILAYANKUDI.
  2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
  3. THE OFFICER-INCHARGE,  
DISTRICT JAIL, RAMANATHAPURAM.
  4. THE INSPECTOR OF POLICE  
SALAIGRAMAM POLICE STATION,  
SIVAGANGAI DISTRICT.
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.LENIN KUMAR T, Advocate (SR-15125[I] dated 20/12/2022)

ORDER  
IN  
CRL OP(MD) No.22510 of 2022  
Date :20/12/2022

PNM  
USK/SSS/SAR- /20.12.2022/3P/7C