



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

Date : 23/12/2022

PRESENT

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

CRL OP(MD) . No.23021 of 2022

Karthikeyan

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. by,
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
Crime No.102 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.102 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 20.11.2022, for the offences punishable under Sections 454, 457 and 380 of I.P.C, in Crime No.102 of 2022, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have stolen the scheduled commodities, which meant for Public Distribution and sold the same to the A4. 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. He further submitted that the co-accused has already been already released on bail by this Court in Crl.O.P(MD).No.22510 of 2022, dated 20.12.2022. He further submitted that the petitioner is in judicial custody from 20.11.2022 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 investigation of the case is pending. Hence, prays to dismiss the petition.

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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 and that the co-accused was already released on bail, 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 FIR can be registered under Section 229A IPC.

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23/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE,
ILAYANGUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, SIVAGANGAI.
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.C.SENTHIL MURUGAN, Advocate (SR-15419[I] dated
23/12/2022)

ORDER
IN
CRL OP(MD) No.23021 of 2022
Date :23/12/2022

USK/VR/SAR- /23.12.2022/3P/7C