



Crl.O.P.No.95 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.95 of 2023

Murugan,
S/o.Narayanamurthy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Jolarpet Police Station,
Tirupathur Dt.
(Crime No.139 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.139 of 2022 pending on the file of respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Vinoth Kumar,



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Govt. Advocate (Crl.Side.)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.09.2022 for the alleged offence under Sections 457 and 380 of I.P.C. in Crime No.139 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that when the defacto complainant, who is a resident of M.G.R. Nagar, went for his natural call, he found the Muthumariamman temple hundial was broken and the same was informed to villagers and they had found 1 ½ sovereigns of gold mangal sutra of village goddess was stolen. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity,



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he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would submit that he was arrayed as accused in this case for the reason that as he had a previous case, when he was hospitalised for general surgery in the hospital at Vellore from 23.04.2022 and 28.04.2022 and as per advise, he was in a bed rest in his residence, the respondent police took him for enquiry and foisted this false case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 129 days from 10.09.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner entered into Mariyamman temple at M.G.R.Nagar and committed theft of 1 ½ sovereign of gold amman thali and sold the same. He would submit that only a sum of Rs.1000/- was recovered from him and so far, jewel was not recovered. He would submit that he is having 6 previous cases similar in nature pending against him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant



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bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that amount of Rs.1000/- recovered from him and also the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) into the credit of Crime No.139 of 2022 and the defacto complainant temple is permitted to withdraw the said amount** and on such deposit, 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Thirupathur, Thirupathur Dt.**, and on further conditions that:

(a) 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



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Pass Book to ensure their identity;

(b) the petitioner shall stay at Ramanathapuram and report before the Town Police Station, Ramanathapuram daily at 10.30 a.m. for the period of two months and thereafter, he shall report before the respondent police daily at 10.30 a.m. for another period of eight weeks;

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

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

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

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.I,
Thirupathur, Thirupathur Dt.
2. Inspector of Police,
Jolarpet Police Station,
Thirupathur Dt.
3. The Superintendent of Prison,
Central Prison, Vellore, Vellore Dt.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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