



WEB COPY

CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.462 of 2023

Nayinar

... Petitioner/Accused-1

Vs

State Rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanniyakumari District.
(Crime No.236/2022).

... Respondent/Complainant

For Petitioner : M/s.Vamanan K, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

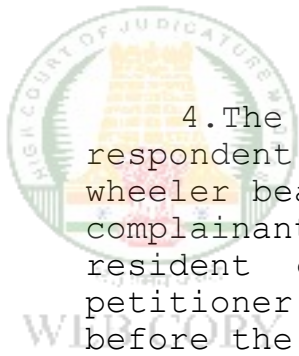
For Bail in Crime no.236/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 14.11.2022 for the offence punishable under Sections 379 and 413 of IPC in Crime No.236 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner said to have committed theft of two wheeler bearing Reg. No. TN 74 AY 0450 from the house of the defacto complainant. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and earlier he was arrested on suspicion and later based on the confession recorded from him he was arrayed as an accused. He would also submit that property has been recovered and major part of the investigation is over. He would further submit that the petitioner is in jail from 14.11.2022 hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that petitioner committed theft of two wheeler bearing Reg. No. TN 74 AY 0450 from the house of the defacto complainant. He would further submit that the petitioner is a resident of kerala, hence he opposed to grant bail to the petitioner. He would further submit that charge sheet has been filed before the concerned court and it is yet to be taken on file.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the investigation has been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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 District Munsif cum Judicial Magistrate, Boothapandi, 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 file proof of permanent residence before the concerned court at the time of furnishing sureties.

(d) the petitioner shall report before the respondent police daily at 5.30 p.m., until further orders;

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

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

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

(h) 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];



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

sd/-

11/01/2023

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11/01/2023

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

AAV

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, BOOTHAPANDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUPERINTENDENT, SUB JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE, ARALVAIMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.VAMANAN K, Advocate (SR-624[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.462 of 2023

Date :11/01/2023

RS/VR/SAR.(11.01.2023) 3P-7C