



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/01/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.1032 of 2023

Velaiya @ Velayutham

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
(Crime No.295 of 2022).

... Respondent/Complainant

For Petitioner : M/s.PERUMAL.M,
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.295 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 08.11.2022 for the offence punishable under Sections 379 of IPC @ 379,471,468 of IPC in Crime No.295 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, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that based on the confession recorded from the co-accused he has been implicated as an accused. He would further submit that the petitioner is in judicial custody from 08.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and against him 10 similar previous cases are pending against the



petitioner in Tirunelveli and Kanyakumari District and for grant of bail.

5. At this juncture the learned counsel for the petitioner would submit the petitioner was arrested on 08.11.2022 and as on date he is custody for more than 70 days and the petitioner is entitled for bail under Section 167(ii) of Cr.P.C.

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

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration 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 Judicial Magistrate, Valliyur, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

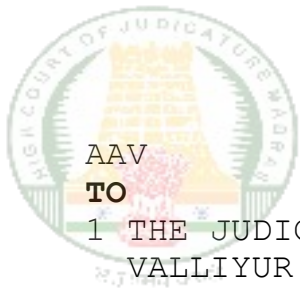
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25/01/2023

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25/01/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE,
VALLIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
VALLIYOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.PERUMAL.M Advocate SR.No.1150

ORDER

IN

CRL OP(MD) No.1032 of 2023

Date :25/01/2023

SA/VR/SAR. /25.01.2023/3P/7C