



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

Date : 27/01/2023

PRESENT

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

WEB COPY

CRL OP(MD) . No.1568 of 2023

1. Santhoshkumar,

2. Murugan,

... Petitioners/Accused Nos. 2 & 3

Vs

The State Rep by,  
The Inspector of Police,  
Valliyoore Police Station,  
Tirunelveli District.  
in Cr. No. 5/2023,

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 5 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

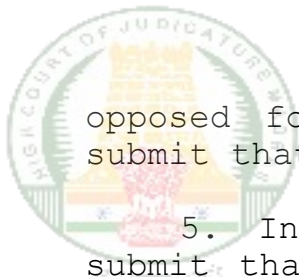
The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 07.01.2023 for the offence punishable under Section 379 IPC in Crime No.5 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.01.2023 the petitioners along with other accused committed theft of 18 units of rough stones. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in custody from 07.01.2023, hence he seek bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners along with other accused committed theft of 18 units of rough stones. Hence, he

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opposed for grant of bail to the petitioners. He would submit that no previous case is pending against the petitioners.

5. In reply the learned counsel for the petitioners would submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to their defence they are also ready to make a donation of Rs.25,000/- each for any welfare scheme of the Government. Hence he seeks bail.

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 petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyur and on further conditions that:

(b) the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each as non refundable deposit by way of Demand Draft/RTGS/NEFT to the concerned District Mineral Foundation Trust and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(g) the petitioners 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 petitioners in accordance with law as if the



conditions have been imposed and the petitioners 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];

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

sd/-  
27/01/2023

/ TRUE COPY /

27/01/2023  
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  
VALLIYOOR POLICE STATION,  
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
TIRUNELVELI DISTRICT.

+1 CC to M/s.C.SUSI KUMAR, Advocate ( SR-1281[I] dated 27/01/2023 )

ORDER  
IN  
CRL OP(MD) No.1568 of 2023  
Date :27/01/2023

PKP/VR/SAR- /27.01.2023/3P/8C

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