



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2023

PRESENT

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

CRL OP(MD) . No.1930 of 2023

Uchimahali

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Serakulam Police Station,
Thoothukudi District.
(Crime No.71/2022).

... Respondent/Complainant

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

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

PRAYER :-

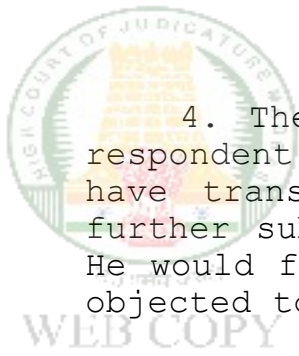
For Bail in Crime No.71 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 31.12.2022 for the offence punishable under Sections 294 (b) and 397 of IPC in Crime No.71 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on midnight of 30.12.2022 the petitioner along with other accused robbed the goats. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was implicated as an accused only based on the confession given by A1 and other than the confession there is no other material available to implicate the petitioner herein the petitioner herein as an accused. He would further submit that the petitioner is in judicial custody from 31.12.2022, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner along with other accused have transported 37 goats from the cattle shed farms. He would further submit that out of 37 goats, 26 goats have been recovered. He would further submit that the investigation is pending, hence he objected to grant bail to the petitioner.

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, 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 No.I, Srivaikundam 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 Station daily at 10.30 am., 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.

sd/-

01/02/2023

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01/02/2023

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

AAV

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, PERURANI SUB JAIL, THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE, SERAKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-1608[I] dated 01/02/2023)

ORDER

IN

CRL OP(MD) No.1930 of 2023

Date :01/02/2023

RS/SSS/SAR.(01.02.2023) 3P-7C