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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2023

PRESENT

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

CRL OP(MD) . No.2143 of 2023

Amith Kumar

... Petitioner/A2

Vs

State Rep.by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.
Crime No.6 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Ramakrishna Dass,
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.6 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 05.01.2023 for the offences punishable under Section 379 IPC in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused theft of three mobile phone and one camera from Amazon delivery boy, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to animosity between the petitioner and the amazon delivery boy a false complaint has been given. He would further submit that the petitioner is in judicial custody from 05.01.2023. He would further submit that even as per the prosecution camera was recovered and Rs.1,00,000/-



towards alleged sale proceeds of the three mobile was stated to be recovered from the accused persons, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons waylaid the defacto complainant who is a amazon delivery boy and snatched a camera and three mobile phone from him. He would further submit that the investigation has been completed and the final report has been filed before the concerned Court. He would further submit that the petitioner is from kerala, hence he objected to grant bail to the petitioner.

5. At this juncture the learned counsel for the petitioner would submit that either the father or mother of the petitioner is ready to stand as surety for the petitioner and the petitioner is also ready to abide by any stringent conditions that may be imposed on him by this Court.

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 and also taking note of the fact that the property has been recovered, 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(of which one shall be the father or mother of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai and on further conditions that:

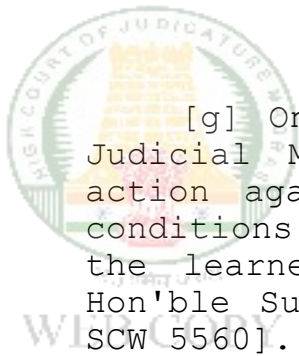
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the learned Judicial Magistrate No.I, Kuzhithurai on all working days at 10.30 am., for a period of two weeks and thereafter on the date fixed by the learned trial Judge.

[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 or influence the 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/-

02/02/2023

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02/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE, SUB JAIL, KUZHITHURAI.
- 4 THE INSPECTOR OF POLICE, KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.S.RAMAKRISHNADASS, Advocate (SR-1656[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.2143 of 2023

Date :02/02/2023

RS/SSS/SAR.(02.02.2023) 3P-7C