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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2462 of 2023

1. Ravichandran
2. Surender
3. Antran Selvakumar ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.424/2022. ... Respondent/Complainant

For Petitioners : M/s.Aravind Raj R,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

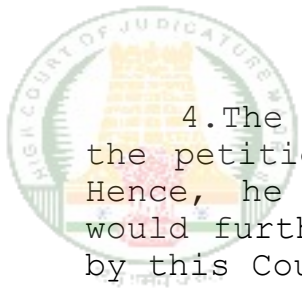
For Bail in Crime No.424/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 13.12.2022, for the offence punishable under Section 379 IPC, in Crime No. 424 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons had committed theft of copper wire worth about Rs.1,60,000/- from the wind mill. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and he is in noway connected with the offence. He would further submit that the petitioners are in judicial custody from 13.12.2022. Hence, prays to release the petitioner on bail.



4.The learned Additional Public Prosecutor would submit that the petitioners have stolen copper wire worth about Rs.1,60,000/-. Hence, he strongly opposed to grant bail to the petitioners. He would further submit that co-accused in this case was granted bail by this Court in Crl.O.P(MD) No.805 of 2022 dated 11.01.2023

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5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners on certain 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, Alangulam**, 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioners 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 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]**;

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

sd/-

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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, ALANGULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, ALANGULAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-1934[I] dated 07/02/2023)

ORDER

IN

CRL OP(MD) No.2462 of 2023

Date :07/02/2023

RS/VR/SAR.(07.02.2023) 3P-7C