



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.2535 of 2023

Perumal

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Ammaiyanaickanur Police Station,
Dindigul District.
In Crime No.291 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Kalidoss.G,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

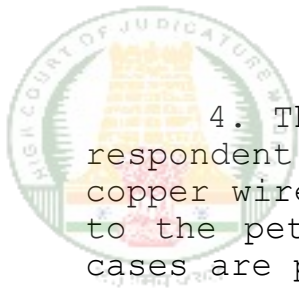
For Bail in Crime No.291 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 28.12.2022 for the offence punishable under Section 379 of IPC in Crime No.291 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 copper wire, 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 the petitioner is in judicial custody from 28.12.2022 and he is also ready to abide by any stringent conditions that may be imposed by this Court, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner has committed theft of copper wire worth about Rs.30,000/-, hence he objected to grant bail to the petitioner. He would further submit that the nine previous cases are pending against 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, Nilakottai, Dindigul District 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., and 6.30 P.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.

sd/-
08/02/2023

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08/02/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI, DINDIGUL DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
AMMAIYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER IN CHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1 CC to M/s.G.KALIDOSS, Advocate (SR-1996[I] dated 08/02/2023)

ORDER

IN

CRL OP(MD) No.2535 of 2023

Date :08/02/2023

RK/VR/SAR- (08/02/2023) 3P/7C