



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

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.3069 of 2023

WEB COPY

Manikandan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.17 of 2023.

... Respondent/Complainant

For Petitioner : M/s.B.Deepak, 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.17 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 08.01.2023 for the offence punishable under Section 379 IPC in Crime No. 17 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner along with other accused said to have committed theft of two goats in a TATA Ace van, 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 is in judicial custody from 08.01.2023 and A1 has been granted anticipatory bail by this Court and A3 and A4 have been granted bail by the lower court, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the the petitioner along with other accused said to have committed theft of two goats in a TATA Ace van hence he objected to grant bail to the petitioner. He would further submit that the goats have been recovered.



5. Heard. Perused the materials available on record 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 and also the fact that the similarly placed co-accused was granted bail and anticipatory bail by this Court and lower court and also the fact that goats have 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District 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 petitioner shall report before the respondent police day daily at 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/-

16/02/2023

/ TRUE COPY /

16/02/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, BUDALUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.DEEPAK, Advocate (SR-2414[I] dated 16/02/2023)

ORDER

IN

CRL OP(MD) No.3069 of 2023

Date :16/02/2023

RS/SSS/SAR.(16.02.2023) 3P-7C