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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4113 of 2023

1. Mohamedibramsha,

2. Rahmadulla, ... Petitioners/Accused Nos.1 & 2
Vs

The State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District. ... Respondent/Complainant

For Petitioners : M/s.Dhilipan Pandian.R.L.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

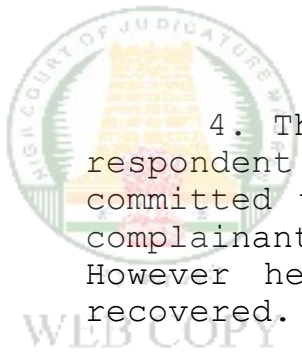
For Bail in Crime No. 79 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 04.02.2023 for the offence under section 379 of IPC in Crime No.79 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners said to have committed theft of two mobile phones from the house of the defacto complainant, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are in judicial custody from 04.02.2023 and the stolen property has been recovered, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners along with other accused committed theft of two mobile phones from the house of the defacto complainant, hence he objected to grant bail to the petitioners. However he fairly concedes that the stolen properties have been recovered.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that the stolen properties have been recovered and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following 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 (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam 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 petitioners shall report before the respondent police daily at 10.30 A.M for a period of four weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/03/2023

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/ /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.DHILIPAN PANDIAN.R.L. Advocate SR.No.3475

ORDER
IN
CRL OP(MD) No.4113 of 2023
Date :06/03/2023

MGJ/SBN/06/03/2023/4P/7C