



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.4193 of 2023

WEB COPY

Nikash

... Petitioner/Accused 2

-VS-

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Melur Taluk, Madurai District.
(in Cr.No.16 of 2023)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.16 of 2023 on the file of the
Respondent Police.

For Petitioner	: Mr.S.Rabeek Raja, Advocate
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

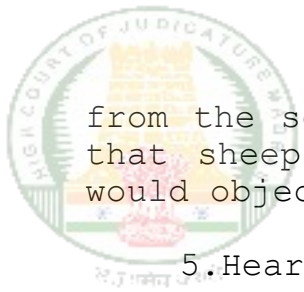
O R D E R

The petitioner, who was arrested and remanded to judicial custody on 02.02.2023 for the offences punishable under Section 379 of IPC in Crime No.16 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 14.01.2023, the accused persons have attempted to taken away his sheep in a two wheeler and on seeing the de-facto complainant, the accused persons have escaped from the scene of occurrence with his sheep. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the on 14.01.2023, the accused persons have attempted to taken away his sheep in a two wheeler and on seeing the de-facto complainant, the accused persons have escaped



from the scene of occurrence with his sheep. He would also object that sheep have been recovered from the scene of occurrence. He would object for grant of bail to the petitioner.

5. Heard. Perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 02.02.2023, 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, Melur, 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 daily at 10.30 a.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 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/-

03/03/2023

/ TRUE COPY /

03/03/2023

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



CMR

TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, MELUR.

4 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MELUR TALUK, MADURAI DISTRICT.

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

+1. CC to M/S.RABEEK RAJA S Advocate SR.No.3322

ORDER

IN

CRL OP (MD) No.4193 of 2023

Date :03/03/2023

SA/SBN/SAR. /03.03.2023/3P/7C