



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

Date : 03/04/2023

PRESENT

WEB COPY

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

CRL OP(MD) . 6225 of 2023

Madhaiyan @ Mahadevan @ Madhavan ... Petitioner/Sole Accused

Vs

State rep., by
Inspector of Police,
Nachiyarkoil Police Station,
Tanjor District.
(Crime No.583 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan, 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.583 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 18.11.2022 for the offences punishable under Sections 174(iii) of IPC and altered into Section 392 of IPC in Crime No.583 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant came to her house, a person came in a bike robbed 3 ½ sovereign gold chain. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is in incarceration for the past 135 days. It is completely a put up case by the respondent, whenever any theft or robbery was committed by the accused person, the petitioner, who is being belonged to "நரிகுறவர் community", has been falsely implicated into the crime. He also pointed out that the occurrence has taken place on 05.08.2022. According to the case of the prosecution, the petitioner was produced on PT warrant on 18.11.2022 and recovery



was made on 14.11.2022 at about 4.45 pm., whereas a perusal of the complainant's statement reveals that the recovery was made on 14.11.2022 at about 4.00 pm., itself. Therefore, there is a contradiction between the recovery and identification of jewels.

4. Heard the learned Additional Public Prosecutor and perused the materials available on record and also including the FIR.

5. Considering the facts and circumstance of the case and also the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Kumbakonam and on further conditions that :-

[a] 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.

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Kumbakonam, daily at 10.30 a.m ., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/04/2023

/ TRUE COPY /

03/04/2023

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

rmk

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE OFFICER IN CHARGE,
THIRUVIDAIMARUTHUR SUB JAIL,
THANJAVUR.

4. THE INSPECTOR OF POLICE,
NACHIYARKOIL POLICE STATION,
TANJOR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.6225 of 2023

Date :03/04/2023

RK/SSS/SAR-(03/04/2023) 3P/6C