



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8225 of 2023

Shahul Hameethu,

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
Crime No.100/2011.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime no.100/2011 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /third accused, who was arrested and remanded to judicial custody on 04.04.2023 for the alleged offences punishable under Sections 454(2) and 380(2) IPC in Crime No.100 of 2011, seek bail.

2. The case of the prosecution is that the petitioner along with other accused theft the Idol of Sankariamman and Dekshinamoorthy.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the third accused in this case and he is no way connected with the case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the idols have been theft by the petitioner along with other accused persons. The said idols have been recovered from the first and second accused. Further, the first and second accused died.



5. Taking into consideration of the facts and submissions made by the learned counsels, 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 Additional Chief Judicial Magistrate, Kumbakonam, Thanjavur 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., 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/-

17/05/2023

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19/05/2023

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

TA

TO

1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

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

+1. CC to M/S.KARUNANITHI.M Advocate SR.No.7442

ORDER

IN

CRL OP(MD) No.8225 of 2023
Date :17/05/2023

SA/CG/SAR. /19.05.2023/3P/7C