



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.8816 of 2023

Senthil Ramkumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Tanjavur District.
(Crime No.177 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Boomee Rajan.P.R.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.177 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 17.04.2023 for the offence punishable under Section 379 & 435 IPC in Crime No.177 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed theft of Rs.60,000/- and stamp papers to the worth of Rs.2,00,000/- from the de-facto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prayed for bail.

4. The learned Government Advocate (Crl.Side) raised objection stating that there are three accused involved in this case and the petitioner along with other accused committed theft of Rs.60,000/- and stamp papers to the worth of Rs.2,00,000/- from the de-facto



complainant. But the amount of Rs.55,000/- was recovered from the petitioner is having no previous case. Investigation almost completed.

5. Taking into consideration of the facts and submissions made by the learned counsels and also taking note of the period of incarceration, 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 (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Kumbakonam, Thanjavur, 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 every Tuesday and Sunday at 10.30 A.M., for a period of three months and thereafter, every Saturday 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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17/05/2023

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

SJI



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM, THANJAVUR DISTRICT.

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

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM, THANJAVUR DISTRICT.

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

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

+1 CC to M/s.P.R.BOOMEERAJAN, Advocate (SR-7414[I] dated
17/05/2023)

ORDER

IN

CRL OP(MD) No.8816 of 2023

Date :17/05/2023

RS/MMS/SAR-(17.05.2023) 3P 7C