



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.9145 of 2023

Valli,

... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District
(Crime No.110 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Prabhu.K,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

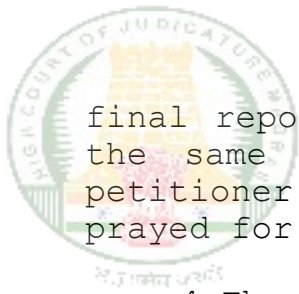
PRAYER :- For Bail in Crime No.110 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 29.03.2023 for the offences punishable under Sections 379 and 109 IPC, Section 65 of Tamil Nadu City Police Act @ 379, 109 and 402 of IPC and Section 65 of Tamil Nadu City Police Act, in Crime No.110 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.03.2023 while the de-facto complainant was travelling in the bus, the petitioner along with other accused had given their child to them and while the de-facto complainant was speaking with the child, the petitioner along with other accused have stolen the purse of the de-facto complainant, hence, the case.

3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.(MD)No.7713 of 2023, dated 25.04.2023. The investigation has been completed and the



final report has already been filed before the concerned Court and the same has been taken on file in P.R.C.No.107 of 2023. The petitioner is in judicial custody from 29.03.2023 onwards, hence, he prayed for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that earlier the petitioner has filed an application for bail in Crl.O.P.(MD)No.7713 of 2023 before this Court and the same was dismissed on 25.04.2023 by directing the trial Court to complete the trial proceedings within a period of three months from the date of receipt of a copy of that order.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the final report has already been filed before the concerned Court, 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.25,000/- (Rupees Twenty Five 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 No.I, Tirunelveli, 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 Wednesday at 10.30 A.M., for a period of three months and thereafter, as and when required for interrogation;

[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/-

18/05/2023

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19/05/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
(WOMEN) SUB-JAIL, KOKIRAKULAM, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PRABHU.K Advocate SR.No.7600 Dt.19/05/2023

ORDER

IN

CRL OP(MD) No.9145 of 2023

Date :18/05/2023

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