



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02.06.2023
PRESENT

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

CRL OP(MD)No.9450 of 2023

Jestin Alex

... Petitioner/Accused 1

Vs

State Rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.245 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.SATHYA CHIDHAMBARAM, Advocae

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

For Intervenor : Mr.V.BALAMURUGAN, Advocate

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

PRAYER :- For Bail in Crime No.245 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 30.04.2023 for the offence under section 407, 413, 120(B), 506(ii) IPC in Crime No.245 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant is having household articles shop and the petitioner herein is working as Godown incharge in the shop. In such circumstances, the petitioner along with other accused persons, witout consent of the defacto complainant, sold out four washing machine, nine fridge, eight air conditioner, 201 stabilizers, 58 home theaters, 63 television and other household articles worth about Rs.22,00,000/-. When the defacto complainant conducted inspection, the above said crime was came to light. Hence the case.

3.The learned counsel appearing for the petitioner would submit that only based on the information given by the petitioner, inspection was conducted and as such, the petitioner is no way connected with the alleged occurrence as alleged by the case of the prosecution.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner stole the household articles, worth about Rs.22,00,000/-, from the defacto complainant's shop and sold the same to A2 and A3. As of now, Rs.58,000/- only recovered from the petitioner's account and as such, he prayed for dismissal of this petition.

5.Heard both sides and perused the materials available on record including the First Information Report.

6.It is seen that the petitioner was employed as Godown incharge of the defacto complainant's shop. Based on the information received from the petitioner, the defacto complainant conducted inspection and verified the stock and it was found that the household articles worth about Rs.22,00,000/- were missing. Further it revealed that the petitioner had sold out the articles to A2 and A3 and received money. After arresting the petitioner, the respondent had recovered Rs.58,000/- from the petitioner's account. The petitioner was arrested on 30.04.2023.

7.Taking into consideration of the above facts and circumstances and also the period of incarceration, this court is inclined to grant bail to the petitioner on condition that the petitioner shall deposit original title deed worth about Rs.20,00,000/- with a proper valuation certificate issued by the Authorities concerned, in Cr.No.245 of 2023 before the learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District, within a period of two weeks from the date of receipt of a copy of this order, failing which, the order of bail shall stand cancelled automatically.

[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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, 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., for a period of four weeks and thereafter, as and when required.

[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 ss
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/-

02/06/2023

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02/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON,
THANJAVUR, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9450 of 2023

Date :02/06/2023

SA/SSS/SAR. /02.06.2023/3P/6C