



WEB COPY

CRL OP(MD).



23

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

Date : 25.05.2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9520 of 2023

Suthakar

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Cr.No.147 of 2023)

...Respondent/Complainant

For Petitioner : M/s.R.L.Dhilipan Pandiyan
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 147/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 07.04.2023 for the offences under sections 454 and 380 IPC in Crime No.147 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused has trespassed into the house of the defacto complainant and stolen the household articles.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and only based on the confession statement of the co-accused, he has been implicated in this case.

4. The learned Additional Public Prosecutor submits that the stolen articles were recovered and no previous case is pending against the petitioner.

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5. Taking into consideration of the facts and submissions made by the learned counsels, the period of incarceration and also the fact that no previous case is pending against the petitioner, 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 sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Thanjavur District 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 respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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 is 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/-
25/05/2023

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25/05/2023

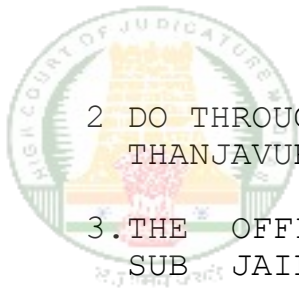
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR DISTRICT.

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



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

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

4 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT

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

+1 CC TO M/S.R.L.DHILIPAN PANDIAN, Advocate SR-7896

ORDER

IN

CRL OP(MD) No.9520 of 2023

Date :25/05/2023

RK/SAR-(25/05/2023) 3P/7C