



WEB COPY

CRL OP(MD). N



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

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10201 of 2023

Maganathan

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Melattur Police Station,
Thanjavur District
(Crime No.105 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Banumathy A, Advocate.

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

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

PRAYER :-

For Bail in Crime No.105 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 11.05.2023 for the offence punishable under Section 379 of IPC in Crime No.105 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 had committed theft of iron rods worth about 300kgs from one Patel company by using TATA Act Vehicle. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is submitted by the learned Additional Public Prosecutor that the property was recovered.

5.Taking into consideration of the facts and submissions made by the learned counsels and also 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, 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 daily at 10.30 A.M. for a period of four weeks 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.

[I] after coming out from prison, the petitioner shall file an undertaking affidavit before the trial Court that he will not indulge in similar types of offences again. If the petitioner fails to comply with the said undertaking, the bail already granted shall stand dismissed automatically and the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

12/06/2023

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12/06/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.



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

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-8501[I] dated 12/06/2023)

ORDER

IN

CRL OP(MD) No.10201 of 2023

Date :12/06/2023

RS/BUC/SAR-(12.06.2023) 3P 7C