



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/06/2023
PRESENT

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

CRL OP(MD) . No.10977 of 2023

Ashok,

... Petitioner/Accused 5

Vs

The State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Cr.No.245/2023.

... Respondent/Complainant

For Petitioner : M/s.SATHYA CHIDAMBARAM S,
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. 245/2023 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 04.06.2023 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 A1 is working as Godown incharge in the shop. In such circumstances, the accused persons, without 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. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that co-accused was granted bail by this 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, 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 is also directed to deposit a sum of Rs.25,000/- to the credit in crime number 245 of 2023 on the file of the respondent police before the concerned Magistrate and on such deposit the learned Magistrate shall accept the sureties furnished by the petitioner.

[d] 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.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

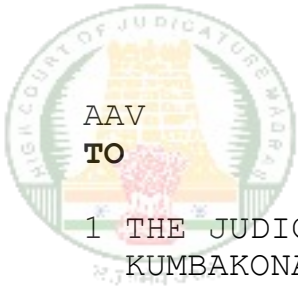
sd/-

20/06/2023

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20/06/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.

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

3 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10977 of 2023

Date :20/06/2023

SA/VR/SAR. /20.06.2023/3P/6C