



WEB COPY

CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/06/2023
PRESENT

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

CRL OP(MD). No.11438 of 2023

Saivadurai,

... Petitioner/Accused 2

Vs

The State rep.by
The Sub Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District
(Crime No.77 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SUBRATHRA DEVI P,
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.77 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 24.04.2023 for the offences under sections 454,457,380 and 511 of IPC in Crime No.77 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 16.02.2023 the defacto complainant went to his relative's house and came back on 19.02.2023 and when he returned home he found that his house was found broken and an attempt was made to commit theft, hence the case.

3. Heard. 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 nothing was stolen from the house, this court is inclined to grant bail to the petitioner, subject to the following conditions:

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



5. 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, Srivilliputhur 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 stay at Karur and report before the Karur Town Police station daily at 10.30 a.m., and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 A.M. and 5.30P.M., until further orders.

[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 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/-

26/06/2023

/ TRUE COPY /

26/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.



4 THE SUB INSPECTOR OF POLICE,
SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.

+1. CC to M/S.SUBRATHRA DEVI P Advocate SR.No.9607 **(I)**
Dt.26/06/2023.

ORDER

IN

CRL OP(MD) No.11438 of 2023
Date :26/06/2023

SA/VR/SAR. /26.06.2023/3P/8C