



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12099 of 2023

Asai Muthu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
In Crime No.173 of 2023.

... Respondent/Complainant

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

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.173 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /Accused, who was arrested on 26.05.2023 for the alleged offence under Sections 379 IPC, in Crime No.173 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.05.2023, a tractor and trailer attached therewith has found missing in the premises of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, since he is the employee of the defacto complainant. The petitioner is in custody from 26.05.2023. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that this Court directed the Police to verify whether the petitioner is the employee of the defacto complainant. The same was verified and found correct. However, the petitioner is having 14 previous cases, in which, there are several theft and murder cases were registered against him. The proposal for initiating Act 14 is pending against the petitioner. Hence, prays to dismiss the petition.



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Reading of CD file and report filed by the respondent that the petitioner is the employee of the defacto complainant. Though it is stated by the learned Additional Public Prosecutor that proposal to initiate the proceedings under ACT 14 is pending against the petitioner, no such proposal is found place in the CD file.

7. Considering the facts and circumstances of this case and the fact that though the petitioner is having previous cases, the petitioner is the employee of the defacto complaint and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Sivagangai**, and on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

sd/-

07/07/2023

/ TRUE COPY /

07/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S. MOHAN.A Advocate SR.No.10360 (I) DT.07/07/2023

ORDER IN

CRL OP(MD) No.12099 of 2023

Date : 07/07/2023

SA/SAR. /07.07.2023/2P/7C

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