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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12740 of 2023

1 Mithinkumar
2 Shrvan Kumar

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur Town,
Virudhunagar District
(Crime No.254 of 2023).

... Respondent/Complainant

For Petitioners : Mr.M.Thirunavukkarasu, Advocate.
For Respondent : Mr.B.Nambiselvam,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.254 of 2023 on the file of the Respondent Police.

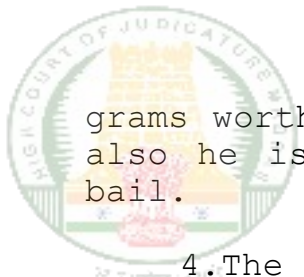
ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 and 2 herein, who was arrested on 01.06.2023 for the alleged offence under Sections 420 and 406 IPC, in Crime No.254 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.06.2023, when the defacto complainant was in her house, the petitioners came on the street and stated that they have made polish to the jewels and that the defacto complainant gave a gold chain weighing about 32 sovereigns for making polish. After completing the polish, the defacto complainant found that the weight of the jewels reduced. Hence, the complaint.

3.The learned counsel for the petitioner would submit that even without going into the merits of the case, the petitioner is ready to deposit the difference of the above said jewels, weighing about 6

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grams worth about Rs.35,000/- to the credit of the crime number and also he is ready to produce the local sureties. Hence, prays for bail.

4.The learned Additional Public Prosecutor submitted that the first petitioner is involved in previous case in similar nature in Crime No.73 of 2023 on the file of the Ranipettai Police Station and also another objection is that the petitioner belongs to Bihar State. Considering the nature of offence, prays to dismiss the petition.

5.Considering the facts and circumstances of the case and though the objection made by the learned Additional Public Prosecutor, in view of the above said undertaking given by the petitioner that he is ready to deposit Rs.35,000/- to the credit of the Crime No.254 of 2023 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** to the credit of Cr.No.254 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioners are 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 local sureties** each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Srivilliputhur**, on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

sd/-

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13/07/2023

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

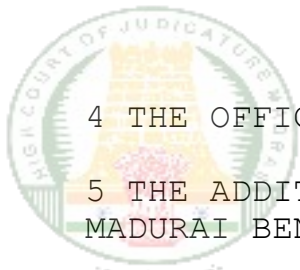
Indu

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

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

3 THE INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR TOWN, VIRUDHUNAGAR DISTRICT.



4 THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR DISTRICT

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

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THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1. CC to M/S.THIRUNAVUKKARASU.M Advocate SR.No.33882[F] DATED
13.07.2023

ORDER

IN

CRL OP(MD) No.12740 of 2023

Date :13/07/2023

RS/VR/SAR-(13.07.2023) 3P 8C