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CRL OP(MD). No.17493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.17493 of 2023

Rishi @ Babu,

... Petitioner/ Accused 1

Vs

The Sub Inspector of Police,
Othakadai Police Station,
Madurai District.

Crime No.324 of 2023.

... Respondent/Complainant

For Petitioner : M/s.JINNAH S.M.A.,
Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.324 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, who was arrested and remanded to judicial custody on 31.08.2023 for the offences punishable under Sections 457 and 380 of IPC, in Crime No.324 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant and her husband left their home on 13.07.2023 and returned on 07.08.2023. At that time, it is noticed that back door of the defacto complainant's house was vandalized. Inside the house



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the wardrobe was broken and the gold ornaments kept inside the wardrobe was missing. The house hold articles were also missing. Thereafter, on 28.08.2023, the house hold articles were placed in his neighbour Gunasekar's house. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner is in custody for 30 days.

4. The learned Government Advocate (Crl. side) would submit that part of the properties have been recovered. The other properties yet to be recovered. There is no previous case similar in nature.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering that already properties are recovered, the facts and circumstances of the case and considering the period of incarceration, I am 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, Melur, Madurai District and on further conditions that:



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[b] the petitioner shall report before the respondent police, daily at 10.30 A.M. for a period of one month, thereafter as and when required for interrogation.

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

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

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

[f] 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].

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

sd/-
29/09/2023

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29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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3 THE OFFICER INCHARGE, SUB JAIL, MELUR.

4 THE SUB INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-14407[I] dated 29/09/2023)

ORDER IN
CRL OP(MD) No.17493 of 2023
Date :29/09/2023

SA/SAR. /29.09.2023/4P/7C

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