



CRL OP(MD). No.18384 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18384 of 2023

M.Shanthi

... Petitioner/2nd Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Vilakkuthoon Police Station(Crime),
Madurai District.
(Crime No.373/2023).

... Respondent/Complainant

2.Balakumar

...Intervene Petitioner/
Proposed Respondent No.2
in CRL MP(MD)No.14730 of 2023

For Petitioner : M/s.Shaji Chellan L,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

For defacto complainant : Mr.M.Marichelliah Prabhu, Advocate

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



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WIPRAYER:-

.For Bail in Crime no.373 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ second accused, who was arrested and remanded to judicial custody on 05.09.2023 for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.373 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on promising to return the jewels, A1 has received gold ornaments (weighing about 266 gms) from the defacto complainant and thereafter, failed to return the same. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the said transaction took place only between the petitioner's husband and the defacto complainant and the petitioner herein is no way connected with the offence. He would further submit that the petitioner is in jail from 05.09.2023, hence he seeks bail.



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4. The learned counsel for the intervenor would submit that the petitioner is wife of A1 and she has also involved in the offence and hence, prays to dismiss this petition.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that A1, who is the husband of petitioner herein, has received gold ornaments (weighing about 266 gms) from the defacto complainant and thereafter, failed to return the same. He would further submit that A1 is in jail and the investigation of the case is pending.

6. Considering the nature of allegations made against the petitioner and also considering the fact that the said transaction is only between A1 and the defacto complainant and also period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Madurai, and on further conditions that:

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Madurai, and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].



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v)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-

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16/10/2023

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

trp

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3. THE OFFICER IN CHARGE, SPECIAL PRISON FOR WOMEN, MADURAI.

4. THE SUB INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION(CRIME), MADURAI DISTRICT.

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

+1 CC to M/s.C.M.MARI CHELLIAH PRABHU, Advocate (SR-15244[I] dated 16/10/2023)

+2 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-15249[I] dated 16/10/2023)

ORDER
IN

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Date :16/10/2023

RK (16/10/2023) 5P / 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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