



CRL OP(MD)No.18513 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18513 of 2023

Hari

... Petitioner / Accused No.1

Vs

1.State through
The Sub Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.245 of 2023)

... Respondent / Complainant

2.Ramesh

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.15493 of 2023

For Petitioner : M/s.P.Krishnaveni, Advocate

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

For Intervenor : Mr.S.Poornachandran, Advocate

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

PRAYER :-

For Bail in Crime No.245 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.09.2023 for the alleged offence punishable under Sections 457, 380 IPC altered into Sections 457, 380, 381 IPC in Crime No.245 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is running a business in the name and style of Sri Sakthi Furnitures and tiles in the second floor and his resides in the first floor. On 16.05.2023, at about 10.00 am., the defacto complainant kept a sum of Rs.5,00,000/- in his bedroom. On 13.06.2023, the bag containing amount, was missing. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 17.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is not yet completed.

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

6.Considering the facts and circumstances and also taking into consideration the



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period of incarceration and 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Nilakottai and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on every Monday at 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.

vi) 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
15/11/2023

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15/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Nilakottai.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

4.The Officer Incharge,
District Jail,
Dindigul.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER

IN

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Date :15/11/2023

ED/ /SAR- (15/11/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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