



CRL OP(MD). No.18673 of 2023

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

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Duraipandi

... Petitioner / Sole Accused

Vs

State through
The Sub Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.519 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Venkatesh C, Advocate.

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

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

PRAYER :-

For Bail in Crime no.519 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Sections 457, 427,



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511-IPC and Section 3 TNPPDL Act in Crime No.519 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in the drunken mood the petitioner herein attempted to steal the cash from the ATM of Tamil Nadu Mercantile Bank at V.M.Chathiram and damaged the Namifar Safe Door Board worth about Rs.25,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 25.09.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that in the drunken mood the petitioner herein attempted to steal the cash from the ATM of Tamil Nadu Mercantile Bank at V.M.Chathiram and damaged the Namifar Safe Door Board worth about Rs.25,000/-. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and also considering the 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



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petitioner, this Court is inclined to grant bail to the petitioner.

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6. 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, Thirunelveli and on further conditions that:

(i) The petitioner is directed to deposit a sum of Rs.25,000/- to the credit of Crime No.519 of 2023 on the file of the learned Judicial Magistrate No.I, Thirunelveli in two instalments. At the time of release, the petitioner is directed to deposit a sum of Rs.12,000/- to the credit of Crime No.519 of 2023 on the file of the Magistrate Concerned and the remaining amount of Rs.13,000/- has to be deposited within a period of one month from the date of release on bail and on such deposit, the learned Magistrate is directed to give the same to the defacto complainant, without notice to the petitioner

(ii) the petitioner shall appear before the respondent police daily at 10.30 am until further orders;

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

(iv) the petitioner shall not abscond during trial.

(v) 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



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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].

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

sd/-
18/10/2023

/ TRUE COPY /

18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.I,
Tirunelveli.

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

3.The Sub Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

4.The Superintendent,
Central Jail,
Palayamkottai, Tirunelveli.



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

ORDER
IN
CRL OP(MD) No.18673 of 2023
Date :18/10/2023

ED/ /SAR- (18/10/2023) 5P / 6C

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