



CRL OP(MD). No.18641 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18641 of 2023

Duraipandi,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
In Crime No.520/2023..**

... 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.520/2023 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioner/ sole accused, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Sections 457, 380, 511 IPC and Section 3 of TNPPDL Act in Crime No.520 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein is attempted to steal the cash from the ATM Machine of City Union Bank at V.M.Chatram and caused damage to the door worth about Rs.3,000/-. 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 the petitioner herein is attempted to steal the cash from the ATM of City Union Bank at V.M.Chatram and caused damage to the door of ATM worth about Rs.3,000/- and 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

<https://www.mhc.tn.gov.in/judis>



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

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.3,000/- to the credit of Crime No.520 of 2023 on the file of the Magistrate Concerned and on such deposit, the Court is directed to return the same to the City Union Bank, without notice to the petitioner.

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

(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 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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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-

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17/10/2023

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 INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY,
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT..



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

ORDER
IN
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Date :17/10/2023

PKP/17.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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