



CRL OP(MD)No.18885 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18885 of 2023

Marudhu Kartikeyan

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
(Crime No.65 of 2023)

... Respondent/Complainant

For Petitioner : Mr.L.Prabhu, 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.65 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.09.2023 for the alleged offence punishable under Sections 457 and 380 IPC in Crime No.65 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.03.2023, during night hours, some

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unknown persons broke open the door of TASMAL shop situated at Kovilankulam, Aruppukottai Taluk, Virudhunagar District and committed theft of liquors worth about Rs.34,640/-. 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 alleged occurrence was happened on 26.03.2023 and FIR was registered on 27.03.2023. However, the petitioner was arrested only on 08.09.2023, that too, only based on the confession statement of the co-accused. That apart, no recovery was made from the petitioner herein. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons stolen liquor bottles from TASMAL shop, worth about Rs.34,640/-. That apart, the petitioner is having three previous cases. Hence, he strongly objected to grant bail to the petitioner.

5.On perusal of records, it is noticed that the petitioner herein was added as an accused only based on the confession statement of the co-accused and it is also noticed that no recovery was made from the petitioner herein. That apart, the present case was registered on 27.03.2023, but the petitioner was arrested only on 08.09.2023.

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



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consideration the 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 petitioner, 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, Aruppukkottai, Virudhunagar District 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 summons.

(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 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/-
19/10/2023
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19/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE, ARUPPUKOTTAI SUB JAIL,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.PRABHU, Advocate (SR-15421[I] dated 19/10/2023)

ORDER IN
CRL OP(MD) No.18885 of 2023
Date :19/10/2023

RS//SAR-(19.10.2023) 4P 7C
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