



CRL OP(MD). No.19522 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Venkatachalam,

... Petitioner/Sole Accused

Vs

The State rep. by
The Sub Inspector of Police,
Eriodu Police Station,
Dindigul District.
Crime No. 225 of 2023.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.225 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



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custody on 02.10.2023 for the offences punishable under Sections 454 and 480 of IPC in Crime No.225 of 2023 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 26.09.2023 at about 11.00 a.m., the de-facto complainant and his family members went to Karur for their personal affairs and when they returned to their home at about 04.00 p.m., they found that bureau kept inside the house was broken and stolen 2 sovereigns of gold chain worth about Rs.60,000/-. When the de-facto complainant informed the above incident to their relative, the relative told that the accused was pledged the jewels. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 02.10.2023, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the properties have been recovered and the investigation is pending. However, he opposed to grant bail to the petitioner.



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5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and also the fact that the properties have been recovered 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, Veda sandur, 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 receipt of summons;

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

(v) the petitioner shall not abscond during trial.



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(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].

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

sd/-
02/11/2023

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02/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1. The Judicial Magistrate, Veda sandur.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Officer Incharge, Sub Jail, Veda sandur.
4. The Sub Inspector of Police,
Eriodu Police Station,
Dindigul District.

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



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

ORDER
IN
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Date :02/11/2023

SSA/02.11.2023/5P/6C

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