



CRL OP(MD). No.19842 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19842 of 2023

Muthu @ Koda,

... Petitioner/ Accused Rank Not Known

Vs

**State Rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli,
Tirunelveli District,.
Crime No.37/2023.**

... Respondent/ Complainant

For Petitioner : Mr.N.Vignesh,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.37/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused who was arrested and remanded to judicial custody on

28.01.2023 for the offence under sections 457,336,397 and 506(ii) of IPC in Crime
<https://www.mhc.tn.gov.in/judis>



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No.37 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed to the house of the defacto complainant and looted jewels and cash, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that initially the petitioner was detained under Act.14 of 1982 and subsequently the same was quashed by this Court. He would further submit that the petitioner is in custody from 28.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused trespassed to the house of the defacto complainant and looted jewels and cash, hence he objected to grant bail to the petitioner. However he fairly concedes that the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.I, Tirunelveli and the same has been taken on file in PRC No.218 of 2023.

5. Taking into consideration the facts and circumstances of the case and also the fact that the investigation has been completed and final report has been filed before concerned Court and also taking into consideration the period of incarceration this

court is inclined to grant bail to the petitioner , subject to the following conditions:

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



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., and 5.30 P.M., for a period of one month and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/11/2023
/ TRUE COPY /

06/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
TIRUNELVELI DISTRICT,.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.N.VIGNESH, Advocate (SR-15952[I] dated 06/11/2023)

ORDER
IN

CRL OP(MD) No.19842 of 2023

Date :06/11/2023

PKP/06.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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