



CRL OP(MD). No.20215 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20215 of 2023

Vijeyendran

... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
Shencottah Police Station,
Tenkasi District.
Crime No.205/2023..

... Respondent/Complainant

For Petitioner : Mr.S.Kasirajan,
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.205/2023 on the file of the respondent police.



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WILSON P ORDER : The Court made the following order :-

The petitioner /accused who was arrested and remanded to judicial custody on 15.09.2023 for the offence under Section 392 of IPC , in Crime No.205 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 07.09.2023 when the defacto complainant was alone in the house the accused said to have committed theft of 5 ½ sovereigns of gold chain. 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 co -accused were granted bail by the Sessions Court. He would further submit that the petitioner is in custody from 15.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that accused said to have committed theft of 5 ½ sovereigns of gold chain,hence he objected to grant bail to the petitioner. However he fairly concedes that co-accused were granted bail by the Sessions Court and the stolen



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property has been recovered and charge sheet has been filed before the concerned Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused was granted bail by the Sessions Court and the stolen property has been recovered and also taking into consideration the fact that charge sheet has been filed before the 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:

[a] 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 Shencottai, Tenkasi District 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.



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[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of thirty days 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].



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

sd/-
09/11/2023

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09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE JUDICIAL MAGISTRATE SHENCOTTAI, TENKASI DISTRICT .

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3. THE OFFICER IN CHARGE, SUB JAIL, TENKASI.

4. THE INSPECTOR OF POLICE,
SHENCOTTAH POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.V.VIJAYENDIRAN, Advocate (SR-16108[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20215 of 2023
Date :09/11/2023

RK (09/11/2023) 5P / 7C

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