



CRL OP(MD). No.21383 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21383 of 2023

Dharma @ Tharmalingam

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.348 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S.M.Anantha Murugan,
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.348 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



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03.11.2023 for the offences under Sections 381 IPC in Crime No.348 of 2023 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner theft a sum of Rs.18 lakhs from the defacto complainant. Hence, the case.

3.The learned Counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this Court vide order dated 24.11.2023 has granted interim bail to the petitioner on condition that the petitioner shall surrender before the jail authority today. As ordered, the petitioner has surrendered. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner theft a sum of Rs.18 lakhs from the defacto complainant and no recovery has been made. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6. It is seen that this Court vide order dated 24.11.2023 has granted interim bail to the petitioner on condition that the petitioner has to surrender before the jail authorities on 05.12.2023 and he has also surrendered today. Therefore, considering the facts and circumstances and also considering the period of incarceration and



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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, Tenkasi 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 said Magistrate Court on the first working day of every English calendar month until further orders.

(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 Judge/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 Judge/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/-
05/12/2023

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05/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

- 1 THE JUDICIAL MAGISTRATE
TENKASI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 4 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-17276[I] dated 05/12/2023)



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ORDER
IN
CRL OP(MD) No.21383 of 2023
Date :05/12/2023

SS/SAR- /05/12/2023/5P/7C

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