



CRL OP(MD). No.23043 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.23043 of 2023

A.Kumaran

... Petitioner/ Accused No.3

Vs

The Inspector of Police,(Crime)
Thallakulam P.S.,
Madurai City,
(Crime No.1309 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Manimaran.NA.,
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.1309 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A3, who was arrested and remanded to judicial custody on 08.11.2023 for the alleged offence punishable under Sections 454,457 and 380 of IPC in Crime No.1309 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 12500 dhoties and sarees which were kept in the custody of the Treasury office, were found missing and the wooden door also broke opened,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 petitioner is only a driver and he is in custody from 08.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the dhoties and sarees which were kept in the custody of the Treasury office, were found missing, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.



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5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no previous case is pending against the petitioner and also taking into consideration 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 Principal District and Sessions Judge, Madurai 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.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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/-
21/12/2023

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21/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,MADURAI
2. THE SUPERINTENDENT, SUB JAIL, MELUR.
3. THE INSPECTOR OF POLICE,
THALLAKULAM P.S.,(CRIME)
MADURAI CITY,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.NA.MANI MARAN, Advocate (SR-18158[I] dated 21/12/2023)

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ORDER

IN

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Date :21/12/2023

RK/ (21/12/2023) 5P / 6C

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