



CRL OP(MD). No.747 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Peetla Samuvel

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thalaiyuthu Police Station,
Thalaiyuthu, Tirunelveli District.
Crime No.314/2023.

... Respondent/Complainant

For Petitioner : Mr.B.Pragash, Advocate.

For Respondent : Mr.B.Nambi Selvan, Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.2294 of 2023, on the file of the learned Judicial Magistrate Court No.III, Tirunelveli, in Crime No.314/2023 on the file of the Inspector of Police, Thalaiyuthu Police Station, Tirunelveli District.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing trial for the offences punishable under Section 379 of IPC, in C.C.No.2294 of 2023, on the file of the learned Judicial Magistrate Court No.III, Tirunelveli, in Crime No.314 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 06.10.2023, at about 11.00 a.m., the defacto complainant withdrawn a sum of Rs.14 lakhs from his bank account and the same was kept inside of the petrol tank cover of his two wheeler. Thereafter, he went to fruit market and he found that the amount kept inside the petrol tank cover was stolen. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and the entire amount was recovered by the respondent police. He would further submit that the petitioner's earlier bail application was dismissed on the ground that there are two previous cases pending against him. However, the petitioner was already arrested on 20.10.2023 and more than five months, he has been in incarceration. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court and the trial is in progress and the petitioner is in Andrapredesh and if he is enlarged on bail, he will not co-operate for trial. Hence, he strongly opposed to grant bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would further submit that the petitioner is ready to co-operate for trial and also appear before the



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jurisdictional police station everyday till the disposal of the criminal case.

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6. In view of the above undertaken given by the petitioner and the petitioner is in incarceration for more than five months, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (local sureties), each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.III, Tirunelveli, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., till the disposal of the criminal case;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/03/2024

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08/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION,
THALAIYUTHU, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.D.BOOPAL, Advocate (SR-2945[I] dated 08/03/2024)



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ORDER

IN

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Date :08/03/2024

RS//SAR-(08.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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