



CRL OP(MD). No.3032 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3032 of 2024

Siluvai @ Silvester

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
In Crime No.37 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasing, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.37 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused No.6, was arrested and remanded to
Judicial Custody on 26.01.2023 for the offence under Sections 457, 336, 397 and 506(ii)

IPC in Crime No.37 of 2023 , seeks bail.

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



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2.The case of the prosecution is that on 25.01.2023, at about 09.00 pm., when the defacto complainant and his children were at their home, the accused persons trespassed into their house, threatened and assaulted them using deadly weapon and tried to outraged the modesty of the defacto complainant's daughter. Subsequently, they robbed gold jewels and two watches, worth about Rs.5,26,000/-. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that co-accused were enlarged on bail by this Court as well as the concerned trial Court. The petitioner is in custody from 26.01.2023, 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.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the



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period of incarceration suffered by the petitioner and co-accused were enlarged on bail by this Court as well as the concerned trial Court, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, 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 concerned trial Court daily at 10.30 a.m., and he shall appear respondent police daily at 5.00 p.m., until further orders;

(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

law as if the conditions have been imposed and the petitioner released on bail by the



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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/-
27/02/2024

/ TRUE COPY /

27/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
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.
- 4 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI.



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

ORDER
IN
CRL OP(MD) No.3032 of 2024
Date :27/02/2024

PKP/27.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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