



CRL OP(MD). No.2804 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Sivaindhukumar,

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.56/2024.

... Respondent/ Complainant

For Petitioner : M/s.Krishna Kumar.S,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.56/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on

30.01.2024 for the offences punishable under Section 379 IPC, in Crime No.56 of 2024,
<https://www.mhc.tn.gov.in/judis>



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on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had took away two goats, which belong to the defacto complainant. 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 he has been falsely implicated in this case and he is in judicial custody since 30.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights and contentions, is ready and willing to deposit a sum of Rs.20,000/- to the defacto complainant directly by way of demand draft. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed to grant bail stating that the petitioner and other accused had stolen the defacto complainant's goats and he is having one previous case of similar in nature.

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



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period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, this Criminal Original Petition is allowed 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 Judicial Magistrate Court, Valliyoor, 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of demand draft drawn in favour of the de-facto complainant, without prejudice to his rights and contentions before the trial and on production of proof/acknowledgement, the learned Magistrate shall accept the sureties furnished by the petitioner and entrusted the said Demand Draft to the defacto complainant directly;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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

(f)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 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;

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

sd/-
22/02/2024

/ TRUE COPY /

22/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR

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

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



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- 3 THE OFFICER INCHARGE
SUB JAIL, NANGUNERI,
TIRUNELVELI DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.KRISHNA KUMAR, Advocate (SR-2242[I] dated 22/02/2024)

ORDER
IN
CRL OP(MD) No.2804 of 2024
Date :22/02/2024

PKP/22.02.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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