



Crl.O.P.(MD)No.3912 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). Nos.3912 and 4401 of 2024

1. Vijay Prasath

2. Rooban

... Petitioners/ Accused Rank not known
in Crl.O.P.(MD)No.3912 of 2024

Manikandan

... Petitioner/ Accused Rank not known
in Crl.O.P.(MD)No.4401 of 2024

Vs

The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District
(Crime No. 30/2024.)

... Respondent/Complainant
in both petitions

For Petitioners : Mr.D.Rameshkumar, Advocate.
in CRL OP(MD) No.3912 of 2024
: Mr.R.Jegadeeswaran, Advocate.
in CRL OP(MD) No.4401 of 2024

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor
in both petitions



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

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COMMON PRAYER :-

For Bail in Crime No.30 of 2024 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/ Accused, in Crl.O.P.(MD)No.3912 of 2024, were arrested and remanded to judicial custody on 01.02.2024 and the petitioner/ Accused in Crl.O.P. (MD)No.4401 of 2024, was arrested and remanded to judicial custody on 01.03.2024, for the offences punishable under Section 395 of IPC, in Crime No.30 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is working in abroad and he came to India for attending his wife's baby shower function. On 29.01.2024, the accused persons snatched the gold jewels and other valuable articles from the defacto complainant. Hence, the case.

3.When the matter was taken up for hearing on 20.03.2024, this Court considering the submissions of the learned counsel on either side, directed the trial Court to return the recovered stolen articles to the defacto complainant within a period of two days from today, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the petitioners are entitled for receiving of the said jewels.



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4.The learned counsel for the petitioners would submit that pursuant to the direction of this Court, the stolen articles were recovered and the same was handed over to the defacto complainant. Hence, he prays for bail.

5.The learned Additional Public Prosecutor did not dispute the said facts submitted by the learned counsel for the petitioners. He would further submit that Goondas proposal is pending against the third petitioner and hence, he opposed to grant bail to the third petitioner. However, he fairly conceded that no such proposal is pending against the petitioners 1 and 2.

6.Considering the facts and circumstances of the case and the fact that the stolen articles were recovered and the same was handed over to the defacto complainant, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/--(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Pudukkottai, Pudukkottai District, 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;



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(b) the petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/03/2024

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26/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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1.The Judicial Magistrate No.I,
Pudukkottai, Pudukkottai District.

2.Do through the Chief Judicial Magistrate,
Pudukkottai District.

3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

4.The Officer Incharge,
District Prison,
Pudukkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-3736[I] dated 26/03/2024)

ORDER
IN
CRL OP(MD). Nos.3912 and 4401 of 2024
Date :26/03/2024

ED/ /SAR- (26/03/2024) 5P / 7C

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