



CRL OP(MD). No.4431 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Tamilselvan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Sethubavachatram Police Station,
IWCID, Central Zone,
Kumbakonam,
Thanjavur District.
In Crime No.17 of 2017.

... Respondent/Complainant

For Petitioner : Mr.S.Abdul Rahuman,
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.17 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

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



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on 15.06.2022 on execution of Non Bailable Warrant issued against him and the petitioner has been formally arrested on 08.08.2023 on execution of PT warrant for the offences punishable under Sections 457(2) and 380(2) of IPC in Crime No.17 of 2017, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons stolen the idol, which was locked in the temple almirah. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Further, the petitioner is in judicial custody for more than two years. An earlier bail petition filed by the petitioner was dismissed by the concerned trial Court on 18.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that five previous cases are pending against the petitioner, out of which, three cases are registered under Section 392 of IPC and five cases are registered for theft cases. Hence, he vehemently opposed to grant bail to the petitioner.



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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 period of incarceration suffered by the petitioner, 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 Additional Chief Judicial Magistrate, Kumbakonam, Thanjavur 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;

(b) the petitioner is directed to appear before the concerned trial Court daily at 10.30 a.m., till conclusion of the trial;

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



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(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

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/-

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20/03/2024

Sub-Assistant Registrar (AD II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE
SETHUBAVACHATRAM POLICE STATION,
IWCID,
CENTRAL ZONE, KUMBAKONAM
THANJAVUR DISTRICT.



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3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.4431 of 2024
Date :20/03/2024

SS/SAR- /20/03/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023