



CRL OP(MD). No.4719 of 2024

WEB COPY 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). No.4719 of 2024

Esakimuthu

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Sendhamaram Police Station
Tenkasi District.
Crime No.305/2023.

... Respondent/Complainant

For Petitioner : M/s.Vaigunth.A.S, 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.305/2023 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 01.02.2024 for the offences punishable under Section 379 of IPC, in Crime No.305 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner snatched the gold jewels and Rs.38,000/- from 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 a false case has been foisted against him and he is in judicial custody since 01.02.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant of bail stating that the petitioner is a habitual offender and he is having two previous cases. However, he fairly conceded that the stolen articles were recovered from the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the fact that the stolen articles were recovered from the petitioner and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, 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, Tenkasi, 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 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 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-
26/03/2024

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26/03/2024

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

SJI

To

1.The Judicial Magistrate,
Tenkasi.

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

3.The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.

4.The Officer Incharge,
Sub Jail, Tenkasi.

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

+1CC to M/s.A.S.VAIGUNTH, Advocate, SR No.3819(I), dated 27/03/2024

ORDER
IN

CRL OP(MD) No.4719 of 2024
Date :26/03/2024



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

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