



CRL OP(MD). No.4624 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Subash

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
Crime No.425 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Maruthupandian, 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.425 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 21.02.2024 on execution of Nonailable Warrant issued by the learned Judicial Magistrate No.II, Kumbakonam, for the offences punishable under Sections 457 and 380 of IPC in C.C.No.286 of 2022, seeks bail.

2. The case of the prosecution is that the defacto complainant went to Chennai



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for the purpose of medical check up on 16.07.2022, when he returned to his house on 01.08.2022, he found that the door was broken and sum silver articles were stolen from his house. Hence, the complaint has been lodged. So, FIR in Crime No.425 of 2022 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he was enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the concerned Court. Due to non-appearance of the petitioner, the trial Court issued Non Bailable Warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 21.02.2024.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner had love affair with one Rukshna Parveen and the petitioner married her without consent of both the families, thereby, some disputes arose between their families, hence the petitioner was abscond for some periods, due to that, he could not appear before the concerned Court, so Non Bailable Warrant was issued against the petitioner and he was arrested and remanded to judicial custody on 21.02.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent



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would submit that if he is released on bail, he may abscond and there will be no progress in the trial. Further, one previous case is pending against the petitioner in similar nature. Hence, he vehemently objected to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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 Judicial Magistrate No.II, Kumbakonam, 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 on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(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/-
22/03/2024

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22/03/2024

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

Indu
TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, PATTEESWARAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

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ORDER

IN

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Date :22/03/2024

RS//SAR-(22.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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