



CRL OP(MD).No.7001 of 2024

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

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

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Thirunavukkarasu

... Petitioner / Sole Accused

Versus

The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
(Crime No.154 of 2024)

... Respondent / Complainant

For Petitioner : Mr.R.Maheswaran, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner on bail in C.C.No.54 of 2024 on the file of the learned Judicial Magistrate NO.1, Kumbakonam, in Crime No.154 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who is facing trial in C.C.No.54 of 2024, on the file of the learned Judicial Magistrate No.1, Kumbakonam for the offences



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punishable under Sections 380 and 457 of IPC,, in Crime No.154 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.02.2024, the petitioner trespassed into the defacto complainant's workshop and committed theft of articles in the shop, such as Welding machines, Drilling machine etc., Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 06.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation has been completed, the charge sheet has already been filed before the concerned Court and the same has been taken on file. However, he fairly conceded that the stolen articles were recovered from the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused



petitioner tampering with the witnesses and obstructing the course of justice.

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7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offence he is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by him.

i) The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kumbakonam.

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity



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iii) the petitioner shall report before the concerned Court on all hearing dates without fail.

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10. Accordingly, this Criminal Original Petition is ordered.

sd/-
08/05/2024

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08/05/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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To

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1.The Judicial Magistrate No.I,
Kumbakonam.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.

4.The Officer Incharge,
Sub Jail, Kumabokanam.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-5304[I] dated 08/05/2024)

ORDER

IN

CRL OP(MD) No.7001 of 2024

Date :08/05/2024

ED/ /SAR- (08/05/2024) 5P / 7C

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