



CRL OP(MD). No.9129 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9129 of 2024

Santhosh,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No. 152/2024.

... Respondent/ Complainant

For Petitioner : Mr.T.Jegathesh
Advocate.

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

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

PRAYER :-

For Bail in Crime No.152 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 28.04.2024 for the alleged offence under
<https://www.mhc.tn.gov.in/judis>



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Section 379 of IPC in Crime No.152 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the first accused has stolen the mobile phone of the defacto complainant, which he had kept in his Vehicle. Hence, the complaint.

3.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner is having three previous cases of similar in nature to his credit.

4.Considering the nature of offence and the antecedents of this petitioner, this Court is not inclined to grant bail to this petitioner.

5.The learned counsel for the petitioner submits that the petitioner is in judicial custody from 28.04.2024. He further submits that one Rajula W/o Ayyappan, who is the Panchayat President of Thiruvattar Town Panchayat has filed an undertaking affidavit that she will ensure that the petitioner will not indulge in any offence in future, much less than the offence alleged as against him.

6.Considering the period of incarceration and also considering the fact that the President of Thiruvattar Town Panchayat has filed an undertaking affidavit that she will ensure that the petitioner will not indulge in any offence in future, this Court is inclined to grant bail to the petitioner with some conditions.



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7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kuzhithurai.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police daily at 10.30 a.m and evening at 5.00 p.m, until further orders. He has to co-operate for the interrogation.

iv) The petitioner shall file an affidavit of undertaking before the respondent police that he will not indulge in any offence in future.

v) The President of Thiruvattar Town Panchayat shall also file a similar affidavit before the respondent police and the President shall ensure that the petitioner will not indulge in any offence in future.

vi) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.



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vii) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
25/06/2024

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25/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

- 1 THE JUDICIAL MAGISTRATE,
KUZHITHURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, KUZHITHURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.T.JEGATHEESH, Advocate (SR-6873[I] dated 25/06/2024)

ORDER
IN

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Date :25/06/2024

PKP/25.06.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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