



CRL OP(MD). No.9594 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9594 of 2024

Senthilkumar @ Mandaisenthil,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No. 110 of 2024.

... Respondent/Complainant

For Petitioner : M/s.Senthilkumar.S,Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.179 2024 on the file of the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur, in connection with Crime No.110 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who is facing a case for the offence under Section 379 of IPC,
<https://www.mhc.tn.gov.in/judis>



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in C.C.No.179 2024 on the file of the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur, in crime No. 110 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Manager of Sri Vittal Rukmani Samasthan. On 22.02.2024, the defacto complainant withdrawn the amount of Rs.17,00,000/- from the bank from the accounts of various persons, and kept the same in a Car belongs to the above said Samasthan. Thereafter, he went to the Grocery Shop for buying copy powder without locking the Car. When he returning from the Grocery Shop, found that two unknown persons were taking the above said amount. Hence, the case. Initially, case was registered against two persons. After enquiry, the petitioner and five other persons are added as accused and the respondent police arrested the petitioner and remanded him to judicial custody on 01.03.2024.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that out of Rs.17,00,000/-, Rs.7,72,000/- was already recovered by the respondent police and further, the petitioner is in judicial custody from 01.03.2024. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the trial was commenced and all the witnesses have been examined. Now, the case was posted for



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questioning under Section 313 Cr.P.C., Out of Rs.17,00,000/-, Rs.7,72,000/- only recovered from the accused and the balance amount is yet to be recovered. Hence, he vehemently, opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that the major part of the trial have been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 No.I, Kumbakonam.

(i)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;

[b] 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.

[c] the petitioner shall report before the learned Judicial Magistrate No.I, Kumbakonam daily at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.



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[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/07/2024

/ TRUE COPY /

01/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.I KUMBAKONAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

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- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY..
- 4 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SENTHIL KUMAR, Advocate (SR-7169[I] dated 01/07/2024)

ORDER
IN
CRL OP(MD) No.9594 of 2024
Date :01/07/2024

PKP/01.07.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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