



CRL OP(MD). No.11657 of 2024

WEB COM BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.11657 of 2024

Sundareswaran,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Cr.No.76 of 2024..

... Respondent/Complainant

For Petitioner : K.Dinesh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.76 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 07.03.2024 for the offences punishable under Sections 457 and 380 of IPC, in Crime No.76 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused have entered into the shop of the defacto complainant and stolen 5 sovereigns of gold chain worth about Rs.1,50,000/- and also stolen the coins worth about Rs.150/-. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the injured was discharged from the hospital and the petitioner is in judicial custody from 07.03.2024 and hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioner is having 21 previous cases. Further, after a lapse of 3 months of the occurrence, he was secured by the



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respondent police. Hence, he vehemently, opposed to grant bail to the petitioner.

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5.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 on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Rajapalayam.

(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;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial;



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v)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];

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC;

sd/-
26/07/2024

/ TRUE COPY /

26 / 07 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate, Rajapalayam..
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.

<https://www.mhc.tn.gov.in/judis>



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3. The Superintendent, Sub Jail, Virudhunagar..
4. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11657 of 2024
Date :26/07/2024

RD(26/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.