



CRL OP(MD). No.12678 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

CRL OP(MD). No.12678 of 2024

Murugesan,

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Kundarakudi Police Station,
Sivagangai District.
Crime No. 124/2024.**

... Respondent/Complainant

For Petitioner : M/s.Maruthupandian M, Advocate.

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

PRAYER :- For Bail in Crime No.124 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 24.07.2024 for the offences punishable under Sections 331(4) and 305(a) BNS, 2023, in crime No.124 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner said to have stolen the iron rod, which is belong to the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 24.07.2024, hence he may be released on bail.

4.The learned Government Counsel would submit that the stolen property has been recovered and the petitioner is having one previous case and the investigation is yet to be completed. Hence, he strongly opposed to grant bail.

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, Karaikudi, Sivagangai District.

(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;

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(ii)the petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter as and when required for interrogation;

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

iv)the petitioner shall not abscond during trial.

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].

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

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

ORDER
IN
CRL OP(MD) No.12678 of 2024
Date :02/08/2024

PSP/ /SAR /05.08.2024/ 4P/ 6C

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