



CRL OP(MD). No.16624 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16624 of 2024

K.Sivabalaganesh,

... Petitioner/ Accused

Vs

State of Tamil Nadu,
Through the Inspector of Police,
Natchiyarkoil Police Station,
Natchiyarkoil, Thanjavur District
(Cr.No.205/2024).

... Respondent/Complainant

For Petitioner : Mr. K.Bairavan,
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. 205/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 09.06.2024 for the offences punishable under Sections 457 and 380 IPC in crime No. 205 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein trespassed into the house of the defacto complainant and committed theft of 3 sovereigns of gold chain. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations in this case that the petitioner is said to have involved in robbery of 3 sovereigns of gold chain and the chain having been recovered and considering the fact that there were two other previous cases against the petitioner and considering the fact that the petitioner was arrested on 9/6/2024 and the charge sheet is said to have been filed on 26/6/2024, but, however yet to be taken on file, I am inclined to enlarge the petitioner on bail.



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5. 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 learned Judicial Magistrate No.II, Natchiyarkoil.

(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 appear before the respondent Police daily at 10.30 a.m for a period of three weeks and to attend all the hearing dates before the concerned without fail. The petitioner shall keep the investigating officer informed of its whereabouts.

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

6. In this case the petitioner was in jail even though the police is said to have filed a final report vide E.filing on 26/6/2024, the same is not yet taken on file. The learned Principal District Judge concerned is directed to intrust the concerned Court to immediately take this final report on file if in order and also verify as to how many final reports are kept pending after being filed in the E-filing and if possible depute the additional staff and clear all the arrears so that the final reports are taken on file within a reasonable period. In this case, from 26/6/2024 even though three months have gone by the final report remains unattended even after filing by the police by e-

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



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filing. Registry is directed to mark a copy of this order to the Principal District Judge,
Thanjavur.

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sd/-
01/10/2024

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01/10/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.II, Natchiyarkoil.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District @ Kumbakonam.
3. The Officer incharge, District Prison, Pudukkottai.
- 4.The Inspector of Police,
Natchiyarkoil Police Station, Natchiyarkoil, Thanjavur District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Principal District Judge, Thanjavur.

+1 CC to M/s.K.BAIRAVAN, Advocate (SR-12046[I] dated 01/10/2024)

ORDER IN
CRL OP(MD) No.16624 of 2024
Date :01/10/2024

RK (01/10/2024) 5P / 8C

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