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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/12/2024
PRESENT
The HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL OP(MD). No.20513 of 2024

Mariraj ... Petitioner/Accused No.4

Vs

The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(Crime No. 128/2024) ... Respondent/Complainant

For Petitioner : Mr.M.Raja Ravi Varma, Advocate.
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-
To release the Petitioner on bail in Connection with the charge sheet file in C.C. No. 1109 of 2024 pending before the learned Judicial Magistrate, Tenkasi.

ORDER : The Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 22.07.2024 for the offences under Section 380 of IPC in C.C. No. 1109 of 2024 pending before the learned Judicial Magistrate, Tenkasi, seeks bail.

2. The case of the prosecution is that the accused persons were involved in the theft of gold necklace. There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.4.

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3. The learned counsel appearing for the petitioner submitted that false cases are being foisted against the petitioner and in every case, this petitioner has been included as Accused No.4 in Crime Nos.122, 127 and 128 of 2024 and all these FIRs were registered by the same respondent Police. He further submitted that the petitioner was arrested in yet another case in Crime No.329 of 2024, which was registered by Suthamalli Police Station, Tirunelveli District on 23.06.2024 and when the petitioner was in judicial custody in that case, the other three cases were foisted against the petitioner by the respondent Police. He further submitted that the petitioner has been enlarged on bail in the case in Crime No.329 of 2024.

4. Based on the above submissions made by the learned counsel appearing for the petitioner, this Court directed the respondent Police to file a status report in this case. On going through the status report, it is seen that the petitioner was arrayed as Accused No.4 in all the three cases and he was added as an accused based on the confession of Accused Nos.1 to 3 in each case. In none of these three cases, the recovery was made from the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is repeatedly involved in the commission of theft and that apart from these three cases, there are five previous cases against the petitioner. Therefore, the learned Additional public Prosecutor vehemently opposed

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the grant of bail to the petitioner.

6. This Court carefully considered the submissions made on either side and also the status report filed by the respondent Police.

7. Taking into consideration the facts and circumstances of the case and considering the manner in which the petitioner has been roped in each case and also considering the fact that the petitioner was in judicial custody in Crime No.329 of 2024 and he was formally arrested in this case in 10.07.2024 and also considering the fact that the petitioner has already been enlarged on bail in Crime No.329 of 2024 by the learned Judicial Magistrate, Cheranmahadevi by an order dated 06.08.2024 and taking note of the long incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the criminal original petition is ordered 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, Tenkasi District and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the learned Judicial Magistrate, Tenkasi

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daily at 10.30 a.m. until further orders, except on those days, where the petitioner has to attend the hearing in the other cases pending before the other Courts.

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

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

[e] 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 269 of BNS, 2023.

sd/-
20/12/2024

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24/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE, TENKASI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

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3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, KADAYAM POLICE STATION,
TENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20513 of 2024
Date :20/12/2024

RS//SAR-(24.12.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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