



CRL OP(MD). No.21863 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Karuppasamy @ Baskar

... Petitioner/ Accused No.2

Vs

State represented by
The Inspector of Police,
Karumathampatti Police Station,
IWCID, South Zone,
Madurai
Crime No.231/2017.

... Respondent/Complainant

For Petitioner : Mr.R.Ponkarthikeyan,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner/accused on bail in C.C.No.62 of 2018 on the file of the learned Additional Chief Judicial Magistrate, Kumbakonam.



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ORDER: The Court made the following order :-

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The petitioner /accused No.2, who was arrested and remanded to judicial custody on 05.08.2023 on execution of Non-Bailable Warrant issued by the learned Additional Chief Judicial Magistrate, Kumbakonam, for the offence punishable under Sections 457(2) and 380(2) IPC in C.C.No.62 of 2018, seeks bail.

2. The case of the prosecution is that the petitioner was implicated in the idol theft case in Crime No.231 of 2017 for offence punishable under Sections 457(2) and 380(2) IPC, based on the complaint of one Mahalingam. After completing the investigation, the respondent Police filed a charge sheet before the learned Additional Chief Judicial Magistrate, Kumbakonam and the same was taken on file in C.C.No.62 of 2018. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 05.08.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all



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hearings and in connection with another criminal case, he was arrested and remanded to judicial custody and therefore, he could not appear before the trial Court on 29.06.2023. He would further submit that the petitioner is in judicial custody from 05.08.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, there are nine previous cases pending against the petitioner and all these cases are similar in nature.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 Additional Chief Judicial Magistrate, Kumbakonam and on further conditions that:



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(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 is directed to appear before the learned Additional Chief Judicial Magistrate, Kumbakonam daily at 10.30 A.M., till the conclusion of the trial;

(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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.

State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
03/01/2024

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03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb
TO

1. The Additional Chief Judicial Magistrate, Kumbakonam.
2. Do through the Chief Judicial Magistrate,
Thanjavur district at Kumbakonam.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Inspector of Police,
Karumathampatti Police Station,
IWCID, South Zone,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-64[I] dated 03/01/2024)

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ORDER
IN
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Date :03/01/2024

SSA/03.01.2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023