



CRL OP(MD). No.23338 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

CRL OP(MD). No.23338 of 2023

1. Murugesan,
2. Kottaiyan @ Kottaisamy,

... Petitioners/ Accused No. 2 & 3

Vs

The State rep. by,
The Inspector of Police,
Kottaipattinam Police Station,
Pudukottai District.
Crime No.38 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Senthil Murugan C,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.38 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners / accused Nos.2 and 3, who were arrested and remanded to judicial custody on 15.11.2023 for the offence punishable under Sections 457 and 380 IPC in Crime No.38 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 25.04.2023, the petitioners and the other accused persons have stolen the silver ornaments from Parimanakudi Shanmuganathar Temple. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and that the petitioners are in judicial custody from 15.11.2023. Hence, he prays for bail.

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



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5. Heard the learned counsel on either side.

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

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi 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 petitioners are directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; 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



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TO

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1. The Judicial Magistrate, Aranthangi.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Officer Incharge,
District Prison, Pudukottai.
4. The Inspector of Police,
Kottaipattinam Police Station,
Pudukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.23338 of 2023

Date :03/01/2024

SSA/03.01.2024/5P/6C

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