



CRL OP(MD). No.22726 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH
CRL OP(MD). No.22726 of 2024

Rajkumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.
(Crime No.80 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.P.Kanagaraj, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.80 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 01.04.2024 for the alleged offences under Section 379 of IPC, in Crime No.80 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were involved in the theft of two wheeler. There are totally 2 accused persons in this case and the petitioner has been arrayed as A1.

3. Heard the learned counsel on either side and perused the material records of



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the case.

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4. The petitioner had filed the earlier bail application in CrI.OP(MD).No.13354 of 2024 and the same was dismissed by this Court by an order dated 14.08.2024 on the ground that there are 38 previous cases pending against the petitioner.

5. When the matter was taken up for hearing today, it is brought to the notice of this Court that the investigation has been completed and the police report has been filed and the same is now pending in S.C.No.195 of 2024 before the learned Sub Court, Tiruchendur.

6. The learned Additional Public Prosecutor submitted that A2 is absconding and NBW is pending. He further submitted that the petitioner has 38 previous cases against him and he is repeatedly involved in committing offence. Hence, the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner.

7. Per contra, the learned counsel for the petitioner submitted that out of 38 previous cases against the petitioner, in 19 cases the petitioner has been acquitted and that not even in a single case the petitioner has been convicted. He further submitted that a false case has been foisted against the petitioner.

8. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 01.04.2024 and the investigation has been completed and the case is now pending before the learned



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Sub Court, Tiruchendur, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. 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 Sub Court, Tiruchendur, 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 Sub Court, Tiruchendur daily at 10.30 a.m. until further orders apart from the dates on which the case is posted for hearing.

[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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[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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20/12/2024

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

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TO

- 1 THE SUBORDINATE JUDGE, TIRUCHENDUR.
- 2 THE INSPECTOR OF POLICE, TIRUCHENDUR POLICE STATION,
TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
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Date :20/12/2024

RS//SAR-(20.12.2024) 4P 5C
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