



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

Tuesday, the Fifth day of December Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.15759 of 2017

1 RAJA  
2 SATHYAMOORTHY

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY  
THE SUB INSPECTOR OF POLICE,  
AUTHOOR POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CRIME NO.163 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.THIYAGARAJAN Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

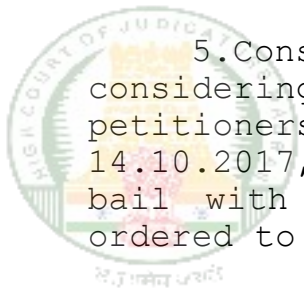
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 14.10.2017 for the alleged offence punishable under Section 379 of IPC, in Crime No.163 of 2017, on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners have committed theft of TVS Star City Two Wheeler worth about Rs.35,000/- on 08.09.2017. Against which, the respondent Police registered a case in Crime No.163 of 2017, for the alleged offence punishable under Section 379 of IPC against the petitioners and accordingly, the petitioners were arrested on 14.10.2017 and remanded to judicial custody.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the theft vehicle was recovered by the respondent police.

4.The learned Government Advocate (Crl. side) appearing for the respondent submitted that the first petitioner / A1 is having three previous cases and the second petitioner is having two previous cases. He further submitted that the theft vehicle was recovered from the petitioners and the investigation is still pending.



5.Considering the facts and circumstances of the case and also considering the fact that the theft vehicle was recovered from the petitioners and that the petitioners are in judicial custody from 14.10.2017, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchendur;
- (ii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (iv) 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 and the bail granted stands cancelled automatically.

sd/-  
05/12/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3. THE OFFICER INCHARGE, DISTRICT PRISON, PERURANI, THOOTHUKUDI.
- 4. THE SUB INSPECTOR OF POLICE, AUTHOOR POLICE STATION, THOOTHUKUDI DISTRICT.
- 5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.THIYAGARAJAN Advocate SR.No.35616

ORDER IN  
CRL OP(MD) No.15759 of 2017  
Date :05/12/2017