



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17684 of 2017

1 RAJA
2 SATHYAMOORTHY

...PETITIONERS/ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.177/2017

... 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.

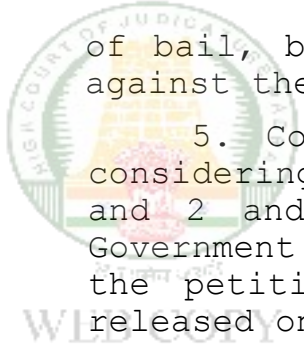
ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 2, who were arrested and remanded to judicial custody on 11.10.2017 for the alleged offences punishable under Section 379 I.P.C., in Crime No.177 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 Honda Unicorn Two Wheeler worth about Rs.20,000/-. Accordingly, the defacto complainant filed a complaint before the respondent police, thereby, the petitioners were arrested and remanded to the judicial custody on 11.10.2017.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners moved a bail application before the Principal Sessions Judge, Thoothukudi and the same was dismissed on 09.11.2017. However, he fairly conceded that the petitioners are ready and willing to deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of Crime No.177 of 2017 before the Judicial Magistrate, Tiruchendur, without prejudice to their rights and contentions before the Judicial Magistrate Court.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the vehicle was secured by the respondent police and investigation is almost completed. However, the learned Government Advocate (Criminal Side) has vehemently opposed for grant



of bail, because there are two similar type of cases were pending against these petitioners.

5. Considering the facts and circumstances of the case and considering the gravity of offence committed by the accused nos.1 and 2 and also considering the submission made by the learned Government Advocate (Criminal side), I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following certain conditions;

(i) the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of Crime No.177 of 2017 before the Judicial Magistrate, Tiruchendur, without prejudice to their defence before the said Judicial Magistrate Court and thereafter, the learned Judicial Magistrate, Tiruchendur shall accept the sureties furnished by the petitioners.

(ii) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

(iii) the petitioners shall report before the respondent police, daily between 10.00 a.m., to 11.00 a.m., until further orders;

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

(v) the petitioners shall not abscond either during investigation or trial;

(vi) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(vii) the petitioners shall not commit any offence while on bail;

(viii) 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 and the bail granted stands cancelled automatically.

sd/-
21/12/2017

/ 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,
THOOTHKUDI.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
PERURANI, THOOTHKUDI.
4. THE SUB INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE 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.36800

ORDER
IN
CRL OP(MD) No.17684 of 2017
Date :21/12/2017

MS/SMA/SAR.3/21.12.2017/3P.7C