



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8590 of 2017

1 KARUPPASAMY

2 KALIDASS @ KALIMUTHU

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT,
CRIME NO. 98/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.SUDHAGAR NAGARAJ Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

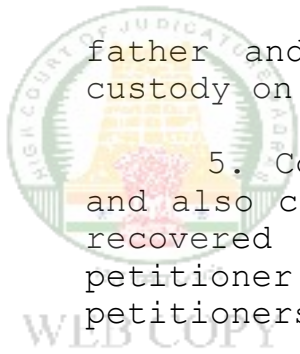
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 13.06.2017, for the offence punishable under Section 379 of IPC., in Crime No. 98 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused herein have theft 10 Kgs of Aluminium Cable and Ankles and Bolts belonging to the E.B.Department, which were placed the filed of the defacto complainant.

3. The learned counsel appearing for the petitioner states that the defacto complainant is the politician and he is an influenced person in the society and in the Police Station and the petitioners are innocent persons and they have not committed any offence, as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case, who are the petitioners herein, arrayed as A1 and A2 respectively. He would further submit that the accused herein have theft 10 Kgs of Aluminium Cable, Ankles and Bolts belonging to the E.B.Department, which were placed the filed of the defacto complainant and the above said articles were recovered from the petitioners herein. He also submitted that the petitioners are



father and son and they were arrested and remanded to judicial custody on 13.06.2017 and the petitioner have no previous case.

5. Considering the above facts and circumstances of the case and also considering the fact that the alleged stolen articles were recovered in this case and the period of incarceration of the petitioner herein, this Court is inclined to grant bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their 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 No.I, Kulithalai and on further condition that:

[a] the petitioners shall report before the learned Judicial Magistrate-I, Kulithalai, daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial and the petitioners shall co-operate with the investigation by the respondent police.

[d] 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 petitioner 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]**.

sd/-

07/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 OFFICER IN CHARGE,
SUB JAIL, KULITHALAI.
- 4 THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.SUDHAGAR NAGARAJ Advocate SR.No.26023

ORDER IN

CRL OP(MD) No.8590 of 2017

Date :07/07/2017