

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18194 of 2018

T.SANTHOSH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AVINASI POLICE STATION,
TIRUPUR DISTRICT
CR.NO.475 OF 2018.

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.475 of 2018 registered by the respondent police for the alleged offence punishable under Section 379 of IPC.

2. The case of the prosecution as per the defacto complainant one Selvamani is that the petitioner along with other accused committed theft of buffalo belonging to the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is a Maxi Cab driver and on the instruction of A1, he had transported it, other than this, he has nothing to do with the alleged offence.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with A1 committed theft of buffalo belonging to the defacto complainant. He would submit that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate, Avinashi.

5. Taking into consideration the facts of the case and taking note of the fact that the petitioner is in custody from 25.06.2018 and that the investigation has also been completed, this Court is inclined to grant bail to the petitioner.

6. 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 Judicial Magistrate, Avinashi, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30.a.m., until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASI POLICE STATION,
TIRUPUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, AVINASHI.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary
charges SR NO.13528

CRL OP.18194/2018

Date :20/07/2018

MK:20/07/2018