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

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2713 of 2018

T. VINOTH KUMAR ... PETITIONER/1st ACCUSED

Vs

STATE: REP.BY
THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.VINOTH KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 27.01.2018 for the alleged offences punishable under Section 379 of IPC., in Crime No.33 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.01.2018, the petitioner and two other accused stolen away 3 Tyres, one Tap Recorder and a Speaker from the customer vehicle in the Service Centre, which is run by the defacto complainant. Hence, the case has been registered against the petitioner and other accused persons for the above said crime.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the stolen properties were recovered. According to the prosecution, the investigation is in progress.

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5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and two other accused committed the theft of 3 Tyres and one Hard Disk from the vehicle. According to the prosecution, the property which was stolen away at the time of occurrence was recovered. Thereby, custodial interrogation may not be necessary for completing the investigation. Moreover, the petitioner is in judicial custody from 27.01.2018. So, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner 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 No.I, Karur;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of three weeks;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not commit any offence while on bail;

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

(vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
21/02/2018

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

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TO

1 THE JUDICIAL MAGISTRATE NO I
KARUR

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON,
TRICHY.

4 THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.VINOTH KUMAR Advocate SR.No.2802

ORDER
IN
CRL OP(MD) No.2713 of 2018
Date :21/02/2018

PJL
SH/CM/SAR-2:21.02.2018:3P/7C

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