



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1491 of 2018

V.SELVAM

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.07 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ANANDA RAJ, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

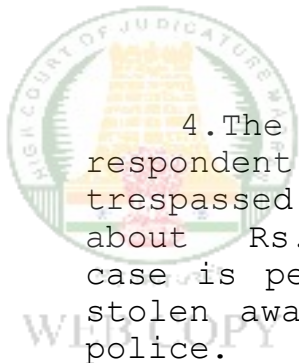
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to Judicial Custody on 03.01.2018 for the offence punishable under Section 380 I.P.C., in Crime No.7 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.01.2018, the petitioner/sole accused, who was working as a Carpenter in the PVK Timber Trading Company (hereinafter called as Company) had stolen the cutting machine from the company, worth about Rs.2500/-. Hence, case has been registered against the petitioner for the offence under Section 380 I.P.C, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the accused person was working as a carpenter in the Company for the past 6 years and on the date of occurrence, the petitioner took the property of timber cutting machine for cutting a tree nearby to the said company. Due to the ill-motive of the defacto complainant, this case was falsely registered against the petitioner. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and the petitioner is in judicial custody from 03.01.2018 onwards. Hence, he prays for bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner/sole accused trespassed into the Company and stolen the cutting machine, worth about Rs.2500/-. He further submitted that there is no previous case is pending against the petitioner and the property which was stolen away by the accused, has been recovered by the respondent police.

5.The submissions made by the learned counsel on either side are considered. It seems that the petitioner was remanded to judicial custody for the offence punishable under Section 380 I.P.C., and he is in judicial custody from 03.01.2018 onwards. According to prosecution, as of now, the stolen property, which was involved in this case, has been recovered and no previous case is pending against the petitioner. So, considering the nature of offence committed by the petitioner, particularly considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner. 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, Thirumangalam.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for a period of four weeks, thereafter as and when required for interrogation.

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

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

(v)on breach of any of the aforesaid conditions, the 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/-
31/01/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE SUB-INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.A.ANANDA RAJ Advocate SR.No.1689

ORDER

IN

CRL OP (MD) No.1491 of 2018

Date : 31/01/2018

MS/CM-VR/SAR.4/01.02.2018/3P.7C