



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2284 of 2018

1 M.KARTHIK
2 A.PERIYASAMY

... PETITIONERS/ACCUSED No.2 & 3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,
KARUR DISTRICT,
(CRIME NO.33 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.RAVI for M/S.J.ANANDKUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A2 & A3, who were arrested and remanded to judicial custody on 27.01.2018 for the offence punishable under Section 379 I.P.C., in Crime No.33 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant was running a workshop at Karur, in which, the first accused was one of the employee. On 25.01.2018 after finishing the work, when at the time, the first accused and three other employees stayed in the workshop, the relatives of the A1, who are arrayed as A2 and A3 herein stolen away the 3 MRF tyres with disc and a Tape Recorder with Speaker, which installed in TATA ACE vehicle. Hence, case has been registered against the accused persons for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 27.01.2018 onwards. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that there are totally six accused in this case. The petitioners herein are arrayed as A2 and A3. He further submitted that as of now, the properties which were stolen away had been recovered. According to him, part of the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein and the first accused committed the theft of 3 MRF Tyres with disc and a Tape Recorder with Speaker. According to prosecution, after recording confession statement of A1, the stolen properties were recovered. These petitioners are arrayed as the accused in this case, based on the confession statement given by the first accused. Moreover, the petitioners are in judicial custody from 27.01.2018 onwards. So, considering the period of incarceration of the petitioners and also considering the stage of investigation, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioner are ordered to be released on bail** subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur.

(ii)the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders.

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
14/02/2018

/ TRUE COPY /



WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I, KARUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

3 THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION, KARUR DISTRICT,

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

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

+1. CC to M/S.J.ANANDKUMAR Advocate SR.No.2470

ORDER

IN

CRL OP (MD) No.2284 of 2018

Date :14/02/2018

SMA/PM-PN/SAR-4/15.02.2018:3P/7c