



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2721 of 2018

1 DEVI

2 K.SATHYA

... PETITIONERS/ACCUSED No.1&2

Vs

THE SUB INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION,
PUDUKOTTAI DISTRICT.
(CRIME NO.15 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.VENKATESAN 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 petitioners/A1 and A2, who were arrested and remanded to judicial custody on 22.01.2018 for the alleged offence punishable under Section 379 of IPC., in Crime No.15 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 31.01.2018, the petitioners had committed theft of 1½ sovereign of gold chain from the defacto complainant. Hence, the case has been registered for the above said crime.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and they are in judicial custody from 01.02.2018. Hence, he prays for bail for the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the stolen property was recovered and the investigation is going on.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners stolen away 1 ½ sovereign of gold chain from the defacto complainant. As of now, the stolen property was recovered. Thereby, custodial interrogation may not be necessary for completing the investigation. Moreover, the petitioners are in the judicial custody from 01.02.2018. Hence, considering the above facts and other circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners 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, Thirumayam;
- (ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) On breach of any of the aforesaid conditions, the bail granted to the petitioners shall stand automatically cancelled and 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 petitioners 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/-
21/02/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE
THIRUMAYAM, PUDUKOTTAI DISTRICT

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT

3 THE SUPERINTENDENT
CENTRAL WOMEN PRISON, TRICHY.

4 THE SUB INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION, PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.R.VENKATESAN Advocate SR.No.2806

ORDER
IN
CRL OP(MD) No.2721 of 2018
Date :21/02/2018

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