



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1969 of 2019

1 S.ISHWARIYA
2 SAPARIRAJAN

... PETITIONERS / ACCUSED
Nos.1 and 2

Vs

THE STATE OF TAMIL NADU REPRESENTED BY
THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT
Crime No.34/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.SYED ALI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 28.01.2019 for the offence punishable under Section 380 and 457 of IPC in Crime No.34 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant along with his family members went to his father-in-law's house, taking advantage of non-availability of his family, the accused persons broke open the lock and entered into the defacto complainant's house and stole the jewels of the defacto complainant. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that the stolen articles were recovered from the accused person and any stringent condition may be imposed.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.5,000/- into the Crime number before the concerned Judicial Magistrate;

(c) the petitioners shall report before the respondent police daily daily at 10.30 a.m. until further orders;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
07/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, TRICHY DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON FOR MEN, TRICHY.

5. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, TRICHY.

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

+1. CC to Mr. SYED ALI Advocate SR.No.2555

ORDER

IN

CRL OP (MD) No.1969 of 2019

Date : 07/02/2019

TK/PN/SAR-1/07.02.2019/3P/8C