



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.3417 and 3425 of 2019

PALPANDI,

... PETITIONER / ACCUSED No.1
in CRL OP(MD).NO.3417 OF 2019

1.PALPANDI

2.MANEESWARAN

... PETITIONERS/ACCUSED NOS.1 & 2
IN CRL OP(MD).NO.3425 OF 2019

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
(IN CRIME NO.45/2019)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : MR.T.SUGADEV for
MR.M.JEGADEESH PANDIAN Advocate
in CRL OP(MD).NO.3417 OF 2019

: MR.A.MITHUN CHAKRAVARTHI, Advocate
IN CRL OP(MD).NO.3425 OF 2019

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side) in both petitions

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 02.02.2019 for the offence punishable under Section 379 of IPC in Cr.No.45 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have stolen the defacto complainant's four wheeler. Hence, this 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. The learned counsel for the



petitioners in Crl.O.P(MD) No.3425 of 2019 seeks permission of this Court to withdraw the criminal original petition in respect of the first petitioner/ A1 and he has also made an endorsement to that effect.

4.The learned Government Advocate (Crl. Side) would submit that the property has been recovered. He would also submit that two previous case are pending against the second petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the property has been recovered, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 , Kodaikanal, Dindigul District 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 report before the respondent police daily daily at 10.30 a.m. until further orders;

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

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

(e) 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;

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

7. In view of the endorsement made by the learned counsel for the petitioners in Crl.O.P(MD) No.3425 of 2019, the criminal original petition is dismissed as not pressed as regards first petitioner/ A1.

sd/-

06/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
KODAIKANAL,
DINDIGUL DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT PRISION,
DINDIGUL.

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

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.4341

+1. CC to A.MITHUN CHAKRAVARTHI, Advocate SR.No.4346

ORDER

IN

CRL OP(MD) Nos.3417 and 3425 of 2019

Date :06/03/2019

AE/JC/SAR-I/06.03.2019/3P/8C