



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

Date : 19/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8515 of 2019

1. Darwin
2. Kathiravan

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
(Crime No.78 of 2019)

... Respondent/Complainant

For Petitioners : M/s.R.Maheswaran, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 78 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 392 and 397 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 25.05.2019 and from that date onwards they are in custody. He would also submit that the first petitioner is studying MBBS in Ukrain. He further submitted that the stolen property was recovered and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on 25.05.2019 the petitioners along with other persons took a taxi on hire from Tiruverumbur and came to Thirukattupalli and where both the petitioners attacked the owner cum driver and took away the taxi. Hence he opposed to grant bail to the petitioners. However he



fairly conceded that the stolen property was recovered and no previous case is pending against the petitioners.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 26 days and also the fact that the stolen property was recovered and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvaiyaru.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.MAHESWARAN Advocate SR.No.10037

ORDER IN

CRL OP(MD) No.8515 of 2019

Date :19/06/2019