



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

Date : 24/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8571 of 2019

1. Udayar @ Vignesh @ Paul Udaiyar

2. Esakki Elango

... Petitioners/Accused No.2 & 4

Vs

State rep.by

The Sub Inspector of Police,

Thalaiyuthu Police Station,

Tirunelveli District.

Crime No.192 of 2019

... Respondent/Complainant

For Petitioners : M/s.V.S.Kishok Kumar,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail petition in cr.no.192 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-2 and 4 seeking bail for the alleged offence under Sections 457 and 380 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the petitioners were arrested and remanded to judicial custody on 09.05.2019 and from that date onwards they are in custody. He further submitted that the stolen property was recovered from A1 and only based on the confession by A1, these petitioners were implicated. He would also submit that A3 in this case was granted bail by the trial court and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein along with others accused entered into the house of the defacto complainant and snatched her gold chain. Hence



he strongly opposed to grant anticipatory bail to the petitioners. However he fairly conceded that A3 in this case was granted bail by the trial court and the stolen property was recovered from A1 only.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 45 days and also the fact that the stolen property was recovered from A1 and also the fact that A3 in this was granted bail by the trial court, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] 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) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.3, Tirunelveli.

[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 trial.

[d] the petitioners shall not tamper with evidence or witness 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].

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

sd/-

24/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.3, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE SUB INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.S.KISHOK KUMAR Advocate SR.No.10343

ORDER IN

CRL OP(MD) No.8571 of 2019

Date : 24/06/2019