



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.8823 of 2019

1. Boopathy
2. Krishnan

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Crime No.143 of 2019.

... Respondent/Complainant

For Petitioners: M/s.K. Palmurugan, 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.143 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 406,417 and 420 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that the petitioners were arrested and remanded to judicial custody on 01.06.2019 and from that date onwards they are in custody. He further submitted that no previous case is pending against the petitioners and the stolen property has been recovered and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein acted as astrologers and went to the house of the defacto complainant and threatened them and have stolen RS.1500/- and 12 grams worth gold bangle. Hence he strongly opposed to grant anticipatory bail to the petitioners. However he fairly



conceded that the stolen properties were recovered from the petitioners and there is 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 23 days and also the fact that the stolen properties were recovered from the petitioners and there is 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 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, Thuraiyur, Tiruchirapalli.

[b] the petitioners shall report before the Respondent Police, daily at 10.30A.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 petitioner 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, THURAIYUR, TIRUCHIRAPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTR.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE, THURAIYUR POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K. PALMURUGAN Advocate SR.No.10307

ORDER IN

CRL OP(MD) No.8823 of 2019

Date : 24/06/2019