

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9682 of 2020

1.Iyyappan
2.Viki @ Vignesh

.. Petitioners

/versus/

The State Rep by
The Inspector of Police,
Mannargudi Taluk Police Station,
Mannargudi,
Tiruvarur District.
Crime No.799 of 2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in Crime No.799 of 2020 pending on the file of the respondent police.

For Petitioners: Mr.B.Jawahar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 02.06.2020 for the alleged offence punishable under Section 379 IPC in Crime No.799 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have committed theft of two goats belonging to the *defacto complainant*. Hence, a complaint has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in custody from 02.06.2020. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioners were arrested on 02.06.2020, for having committed theft of two goats of the *defacto complainant*. He

would further submit that the first petitioner is involved in two previous cases and that there is no previous case as against the second petitioner. However, he opposed for the grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel for the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions :

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-I, Mannargudi, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioners shall not commit any offences of similar nature;

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
30/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE -I,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
MANNARGUDI,
TIRUVARUR DISTRICT.

5 THE OFFICER IN-CHARGE,
SUB-JAIL, NANNILAM.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.9682/2020

Date :30/06/2020

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TA-13/07/2020