

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15882 of 2020

1.SUNDAR

... Petitioners

2.DURAIPANDI

Vs.

STATE REP BY:-

.... Respondent

THE INSPECTOR OF POLICE,
E-3, SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.
Crime No.1949 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1949 of 2020 pending investigation before the respondent police station.

For Petitioners : Mr.C.Mohan Raj

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.09.2020 for the offences punishable under **Section 379 of IPC, in Crime No.1949 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have committed the theft of the Tempo traveller vehicle belonging to the owner of the defacto complainant.

3.The learned counsel appearing 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 1st petitioner was working as a driver and that the 1st petitioner had salary dispute with the owner. During the Covid-19 period, the petitioners requested the owner to give his tempo to reach their

native but when they were on the way to their native, a false complaint had been lodged as if the petitioners have committed the theft of his vehicle tempo traveller. He would further submit that the petitioners were arrested and in judicial custody from 09.09.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the 1st petitioner was the driver in the travel agency of the owner of the defacto complainant and without the knowledge of the owner of the vehicle, they have taken the vehicle to their native and the petitioners were arrested on the way to their native place near Kovilpatti Toll Gate and the vehicle was also recovered from them. He would further submit that there are no other cases pending against the petitioners. He would further submit that the investigation has been completed and charge sheet is also made ready.

5.Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the stolen vehicle has been recovered, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate No.II, Coimbatore District**, and on further conditions that:

(b) 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;

(c) **the petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.**

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

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

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

(g) 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

(h) 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/-
08/10/2020

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 NO-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-3, SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

5 THE JAILER,
SUB-JAIL, AVINASI, TIRUPUR DISTRICT.

CC to M/S.C.MOHAN RAJ Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.15882/2020

Date : 08/10/2020

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