



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/01/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). Nos.1348 and 1350 of 2020

A.Hussaini ... Petitioner/Accused No.2
in Crl.O.P.(MD)No.1348 of 2020

Satheesh Babu ... Petitioner / Accused No.4
in Crl.O.P.(MD)No.1350 of 2020

Vs

The State of Tamilnadu,
Rep.by the Deputy Superintendent Of Police,
Marthandam Division, Nagercoil.
(Crime No.370/2018),
Marthandam Police Station,
Kanyakumari District.

... Respondent/Complainant
in both Crl.O.Ps.

For Petitioners : M/s.T.Jeen Joseph,
Advocate.

For Respondent : M/s.Anantha Devi,
Government Advocate (Crl.Side)
(in both Crl.O.Ps)

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

COMMON PRAYER :-

For Bail in Crime No.370/2018 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners are in custody since 05.12.2019 for the offences punishable under sections 457(ii), 380(ii) and 411 of I.P.C., in Crime No.370 of 2018 on the file of the respondent police. They seek bail.



3.This is a case of idol theft.

4.The learned Government Advocate (Crl.side) opposed the grant of bail by pointing out that the petitioners herein are based in Kerala and that, there are cases pending against them and if bail is granted, they will abscond.

5.The petitioner's counsel gives an undertaking that they would abide by any condition that may be imposed by this Court.

6.It is submitted by the learned Government Advcoate (Crl.side) that investigation in this case is over. What remains is only filing of a final report.

7.I direct the respondent to file a final report within a period of three weeks in full and proper shape before the jurisdictional Magistrate. The jurisdictional Magistrate will take cognizance of the offences without any delay. The trial in this case will be concluded on merits and in accordance with law within a period of eight weeks after the cognizance of the offence is taken. There are totally five accused in this case.

8.The petitioner's counsel states that if the petitioners are granted bail, they will have four weeks to get ready for trial and they will extend their fullest co-operation and they will cross examine all the witnesses on the same day they are examined.

9.Since the learned Government Advocate (Crl.side) has expressed apprehension regarding abscondance, the petitioners undertake to stay at Marthandam and sign before the Marthandam Police Station daily at 10.00 a.m., and 09.00 p.m., This condition will be complied with till the trial in this case is over. The petitioners cannot say that they are being put to onerous condition because the trial itself is going to get concluded within a period of three months from today.

10.The petitioner's counsel, on instructions, gives an undertaking that they will not apply for modification or relaxation of this condition.

11. I was inclined to dismiss the bail petitions because this is a case of idol theft and since the petitioners are having previous cases and since they are also not residents of the locality.

12.But in view of the undertaking given by the petitioner's counsel to abide by the conditions set out above, I am inclined to grant relief. Bail is granted on these terms.

13. Taking note of the facts and circumstances of this case, I
<https://hcservices.mca.gov.in/hcservices/> enlarge the petitioners on bail with certain



conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute 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 learned Judicial Magistrate No.I, Kuzhithurai.

(ii) the petitioners shall sign before the Marthandam Police Station daily at 10.30 a.m., and 09.00 p.m., till the trial in this case is over.

(iii) 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].

sd/-
28/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER IN CHARGE, DISTRICT JAIL, NAGERCOIL.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
MARTHANDAM DIVISION, NAGERCOIL.
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy To: THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.

+2 CC to M/s.T.JEEN JOSEPH, Advocate, SR-1595, 1596

ORDER IN
CRL OP(MD) No.1348 of 2020
Date :28/01/2020

rmi

<https://hccvcrs.ccr.gov.in/hccvcrs/1.2020/3P/9C>