



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23837 of 2021

1. K.Muthukumar .. Petitioners
2. C.Chandraprakash

Vs.

The State Rep.by ...Respondent
The Inspector of Police,
Avinashpalayam Police Station,
Tiruppur.
(Crime No.480 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.480 of 2021 on the file of the Inspector of Police, Avinashpalayam Police Station, Tiruppur.

For Petitioners : Mr.P.Thineesh

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioners who were arrested and remanded to judicial custody on 30.10.2021 for the offences under Section 379 of IPC in Crime No.480 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were involved in thefting of goats . Hence, the complaint.

3. The learned counsel for the petitioners submits that on 30.10.2021, when the respondent police was engaged in vehicle check up near Palladam, the respondent police had stopped the vehicle and asked the vehicle papers. But, the petitioners were not in possession of the document and that was damaged due to rain. The respondent police was demanding bribe for release of vehicle. The petitioners told that they would pay the amount through online. So, the respondent police has treated them illegally and has registered three old cases including this case with respect of goats theft. He further submits that the petitioners have been suffering incarceration for more than 39 days from 30.10.2021. Hence he prays to grant bail to the petitioners.



4. The learned Government Advocate submits that there are two previous cases as against the petitioners.

5. Considering the facts and circumstances of case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders ;

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

(d) the petitioners shall not abscond 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]; and;

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

-sd/-
09/12/2021

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.



1 THE JUDICIAL MAGISTRATE,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
AVINASHIPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.THINESH Advocate on payment of necessary charges

CRL OP.23837/2021

Date :09/12/2021

CSK 09/12/2021