



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.12.2021

CORAM:

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

Crl.O.P.No.23930 of 2021

WEB COPY

1.K.Muthukumar
2.C.Chandraprakash

...Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.729 of 2021 on the file of the Inspector of Police, Avinashipalayam Police Station, Tiruppur.

For petitioners : Mr.P.Thinesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 30.10.2021 for the offence under Section 379 of IPC, in Crime No.729 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners committed theft of Goat. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and that they have been suffering incarceration for more than 35 days from 30.10.2021. He would further submit that the petitioners are ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners have got 3 previous cases of same nature and admits that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the Registered Advocate Clerks Association, Tiruppur, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and that the investigation is almost completed and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 Palladam, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only), through demand draft to the Registered Advocate Clerks Association, Tiruppur, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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



(f) 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;

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

-sd/-

10/12/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION
TIRUPPUR .

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, TIRUPPUR.

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

CRL OP.23930/2021

Date :10/12/2021

RW 13/12/2021