



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14911 of 2021

1. Bharath
2. Vijayan @ Viji
3. Chandrasekar
4. Satheeshkumar @ Satheesh
5. Chinnakaruppu

... Petitioners/Accused No.1 to 5

Vs

The State rep.by,
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
In Crime No.248 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Selvam,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.248 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who were arrested on 03.09.2021 and 04.09.2021, for the offence punishable under Section 379 IPC @ 395 of IPC, in Crime No.248 of 2021, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant is working as a Truck Driver at M/s. Shri Jayavilas Transports. On 31.08.2021, at about 2.15 a.m., the defacto complainant, accompanied with one cleaner and another driver, by name, Karuppasamy, started driving his loaded truck bearing Reg.No.TN67 BZ 0574 from East Marat Street, Madurai to Tenkasi as usual. The truck was halted at T.Pudhupatti Village at 3.00 a.m. for taking a cup of tea and thereafter, the defacto complainant continued to drive the truck and halted again near the Bus Stand at T.Kallupatti at 3.30 a.m. At that time, he noticed that two persons jumped from the loaded truck and fled away. They found that the tarpaulin had been torn and a parcel containing pants worth about Rs.47,000/- had been stolen. Hence, the



3. The learned counsel appearing for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, they have been languishing in jail from 04.09.2021. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the first petitioner is having two previous cases. He further submits that the investigation is yet to be completed.

5. The learned counsel for the petitioners submits that the petitioners undertake that they will not indulge in any other offence in future. Further, some respectable persons, who will stand as sureties for the petitioners, have filed undertaking affidavits before this Court that the petitioners will not involve in any criminal offence and they would attend the Court on every hearing. Hence, he prayed for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case, the period of incarceration and in view of the undertaking affidavits filed by some respectable persons, who will stand as sureties for the petitioners, that the petitioners will not involve in any criminal offence in future and they would attend the Court on every hearing, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

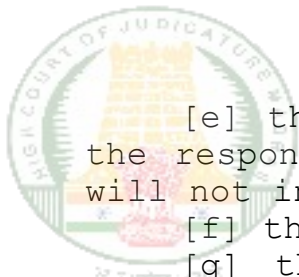
7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.1,00,000/-(Rupees one lakh only) each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Peraiyur and on further conditions that:

[a] the persons, who are giving sureties, shall file an affidavit before the trial Court, by ensuring that the petitioners will not indulge in any other offence in future and they will be available for the entire trial;

[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 Aadhaar card or bank pass book to ensure their identity;

[c] The petitioners shall not misuse the liberty granted to them by this Court and if the petitioners are involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;



[e] the petitioners shall file an undertaking affidavit before the respondent Police as well as before the trial Court that they will not indulge in any other offence in future;

[f] the petitioners shall not abscond during the trial;

[g] the petitioners shall not tamper with the evidence or witness during trial;

[h] 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 are 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]**.

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/10/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14911 of 2021

Date :28/10/2021

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<https://hmcjcega.org.in/Case/2021.10.2021/3P/6C>