



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.15498 and 15500 of 2021

Poovaragavan @ Ragavan

... Petitioner/2nd Accused
In both Petitions

Vs

The State rep.by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
Crime Nos.333 & 330 of 2021

... Respondent/Complainant
In both Petitions

IN BOTH PETITIONS:

For Petitioner : Mr.T.LENIN KUMAR,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-

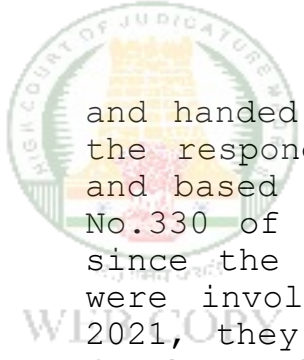
For Bail in Crime Nos.333 and 330 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 04.09.2021, for the offence punishable under Section 379 IPC, in Crime Nos.330 and 333 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons took away the goats, which were grazing in the nearby schools. The value of the goats in both the cases are Rs.51,000/-.

3.The learned counsel for the petitioner submits that the name of the petitioner does not find place in the FIRs and only based on the confession statement of the co-accused, he has been implicated in these cases. The petitioner is working as a fish vendor. Due to lock down, the petitioner used to sell fishes on the street. At this juncture, on 04.09.2021, when the petitioner along with A1 was roaming in that area, the local residents, on assumption, attacked



and handed over them to the respondent Police. During the enquiry, the respondent Police created statements as if A1 gave confession and based on the said statement, they registered a case in Crime No.330 of 2021 and he has been implicated in that case. Further, since the respondent Police was not able to nab the accused, who were involved in the offence in connection with Crime No.330 of 2021, they fixed the petitioner as accused in that case also. He further submits that even after the arrest, the respondent Police have not recovered any goats from the petitioner. Since the petitioner is inside the prison from 04.09.2021, he prayed for grant of bail.

4.The learned Additional Public Prosecutor opposed for grant of bail on the ground that the petitioner is having seven previous cases, out of which, two cases are similar in nature and other cases are IPC offences.

5.The learned counsel for the petitioner submits that the petitioner is ready to file an undertaking affidavit before the respondent Police that he will not indulge in any other offence in future.

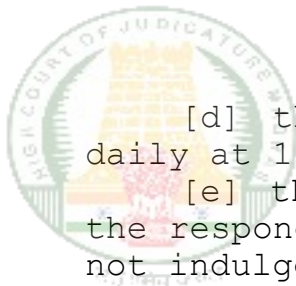
6.Considering the facts and circumstances of the case, the period of incarceration and the petitioner's readiness to file an undertaking affidavit, this Court is inclined to grant bail to the petitioner in both the cases.

7.Accordingly, both the Criminal Original Petitions are allowed. The petitioner is ordered to be released on bail in both the cases, on his executing a common bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two common sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Srirangam and on further conditions that:

[a] the persons, who are giving sureties, should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and he 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 petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties



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

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

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

[g] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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;

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

sd/-

08/10/2021

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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, SRIRANGAM.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4.THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP (MD).Nos.15498

and 15500 of 2021

Date :08/10/2021

SA/SKN/SAR.4/08.10.2021/3P/6C

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