



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

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.16517 and 16560 of 2021

1. Sugumaran
2. Sivasankar

... Petitioners/ Unnamed Accused
IN BOTH THE PETITIONS

Vs

The State rep.by,
The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

In Crime Nos.446 and 445 of 2021 ... Respondent/ Complainant
IN BOTH THE PETITIONS

IN BOTH PETITIONS

For Petitioners : MR.S.Kannan,
Advocate.

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

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

COMMON PRAYER :-For Bail in Crime Nos.446 and 445 of 2021 on the
file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested on 02.09.2021, for
the offence punishable under Sections 457 and 380 IPC, in Crime
Nos.446 and 445 of 2021 on the file of the respondent Police, seek
bail.

2. The case of the prosecution is that on 01.09.2021 at night
hours, after closing the mobile shops, the accused persons broke
open the shutters of two mobile shops, belonging to the the defacto
complainants and stole the cell phones worth about Rs.50,000/- and
cash of Rs.3,000/- from one shop and also stole cell phones worth
about Rs.3,93,422/- from another shop. Hence, the cases.

3. The learned counsel for the petitioners submits that these
are the second bail petitions. The first bail petitions filed by
the petitioners in both the cases were dismissed by this Court, vide
order dated 29.09.2021. He further submits that now, the



investigation is completed and final report has also been filed in both the cases. 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 apart from this case, the first petitioner/A2 is having one previous case and the second petitioner/A3 is having two previous cases.

5. The learned counsel for the petitioners submits that the petitioners are ready to furnish two sureties from some respectable persons, by ensuring that the petitioners will be available for trial and they will not indulge in any other offence in future. Therefore, he prayed for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case, the period of incarceration and the petitioners' readiness to furnish sureties from some respectable persons and also the fact that investigation was completed and final reports have been filed, this Court is inclined to grant bail to the petitioners in both the cases.

7. Accordingly, the Criminal Original Petitions are 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 Judicial Magistrate, Sivagiri, 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 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 JUDICIAL MAGISTRATE, SIVAGIRI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, PALAYANKOTTAI.

4 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16517 and

16560 of 2021

Date :28/10/2021

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