



Crl.OP.No.16563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.16563 of 2023

1.S.Jegan
2.V.Sailesh

...Petitioners

Vs.

State by
The Station House Officer,
Puthur Police Station,
Cuddalore District.
(Crime No.87 of 2023)

...Respondent.

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.87 of 2023 on the file of the Station House Officer, Puthur Police Station, Cuddalore District.

For Petitioners : Mr.S.Dinesh Babu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor.



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.06.2023 for the offence punishable under Section 379 I.P.C, in Crime No.87 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Crime No.87 of 2023 for the offence punishable under Section 379 I.P.C. Petitioners are in judicial custody from 12.06.2023. Therefore, he prays for grant of bail to the petitioners.

3. In response, the learned Additional Public Prosecutor submitted that on 10.06.2023 at about 02.30 a.m., the accused in this case had stolen two cows of the *de-facto* complainant and taken it in a Tata Asis car bearing No.TN 91 J5811. Out of two cows, one cow was recovered and the other one was killed and sold for meat.



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4. Considered the rival submissions and perused the records.

5. Considering the nature of the allegations made against the petitioners and that petitioners is in judicial custody from 12.06.2023, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond 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 District Munsif-cum Judicial Magistrate, Kattumannarkovil**, and on further conditions 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] each of the petitioners without prejudice to their defence shall deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only), to the credit of the Crime No.87 of 2023 before the District Munsif-Cum Judicial Magistrate, Kattumannarkovil. On such deposit,



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learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioners.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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].

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

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To

- 1.The District Munsif-Cum Judicial Magistrate,
Kattumannarkovil.
- 2.The Station House Officer,
Puthur Police Station,
Cuddalore District.
- 3.Sub Jail, Chidambaram.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN, J.

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