



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2744 of 2023

WEB COPY

1. Ayyappan,
2. Murugesan,
3. Kumar,
4. Ramarasu,
5. Jothi Nagoor,

... Petitioners/Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
Crime No.161 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Banumathy.A,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.161 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused , who were arrested and remanded to judicial custody on 04.01.2023 for the offence punishable under Section 379 of IPC in Crime No.161 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused committed theft of two goats , hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been made as scapegoats in the goat theft case. He would further submit that based on the alleged confession stated to be recorded from them they have been implicated in this case. He would further submit that the petitioners are in judicial custody from 04.01.2023 and major part of the investigation is over, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the petitioners along with other accused committed theft of two goats. He would further submit that the petitioners are habitual offenders involved in the theft of goats and so many cases are pending against them in various places, hence he objected to grant bail to the petitioners. He would further submit that the stolen goats have been recovered.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioners , subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate , Alangudi and on further conditions that:

[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 Vadakadu Police Station daily at 6.30 pm., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

13/02/2023

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13/02/2023

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



TO

1 THE JUDICIAL MAGISTRATE, ALANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE, VADAKADU POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.BANUMATHY.A Advocate SR.No.7790[F]

ORDER

IN

CRL OP(MD) No.2744 of 2023

Date :13/02/2023

RS/VR/SAR.(13.02.2023) 3P-7C