

**In the Court of the Principal District Judge, Madurai.**

**Present : Tmt.N.Nagalakshmi, M.A., B.L.,**

**Principal District Judge (Incharge), Madurai.**

**Thursday, this the 01<sup>st</sup> day of October -2020.**

**Crl.M.P.No.4402/2020**

Mani @ Manikandan,S/o.Karuppan

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Thirumangalam Taluk,P.S. Cr.No.1389/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Ayyapparaja, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

**Order**

1. Bail application under section 439 of Cr.P.C.

2. The offences alleged are under section 379 of IPC.

3. Heard both sides.

4. The petitioner counsel would submit that a case was registered against the petitioner U/s. 379 of IPC and the present petitioner is arrayed as A1. The petitioner has no previous case. The petitioner was remanded on 15.9.2020 and he is in custody for the past 17 days. It is alleged that the petitioner along with other accused stolen 5 lambs. The stolen lambs were recovered. At the time of arrest of the petitioner, a child was born to the wife of the petitioner and he is not yet seen the child. Hence, the bail petition may be considered on any stringent condition.

5. In reply, the learned public prosecutor stated that there are totally 4 accused in this case. The petitioner is Al in this case. The petitioner along with other accused stolen 5 lambs of the defacto complainant. The stolen lambs were recovered. The petitioner has no previous case. He objected to release the petitioner on bail.

6. Upon hearing the rival submissions, it reveals that the stolen lambs were recovered the accused. The learned counsel for the petitioner submitted that at the time of arrest of the petitioner, a child was born to the wife of the petitioner. Considering the above said facts, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Thirumangalam subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in

**P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.** Accordingly this petition is allowed.

Pronounced by me in Open Court on the 1<sup>st</sup> day of October -2020.

Sd/- N.Nagalakshmi

Principal District Judge(i/c), Madurai

**Copy to**

- 1. The Judicial Magistrate, Thirumangalam**
2. The Inspector of Police, Thirumangalam Taluk,P.S.
3. The Superintendent Central Prison Madurai.
4. The Petitioner through his counsel.