

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Monday, this the 4th day of May 2020.

Crl.M.P.No.2156/2020

1. P.Karuppasamy, S/o.Palpandi
2. B.Perumal, S/o.Balandi
3. D.Karthi, S/o.Darman
4. K.Vijay @ Ottai Vijay, S/o.Kumar ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Thideer Nagar P.S. Cr.No.217/2020

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.J.Venkatesh Kumar, 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 u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 454, 457 and 380 of IPC.

3.Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered in Cr.No.217/2020 of Thideer Nagar P.S U/s. 454, 457 and 380 of IPC, against the petitioners, the petitioners were arrested on 8.4.2020 and they are in judicial custody for the past 27 days, the name of the petitioners are not mentioned in the F.I.R., some unknown persons broke open the door of Tasmac Bar and stolen the brandy bottles, the petitioners falsely implicated in this case. The learned public prosecutor while advancing his argument has submitted that the defacto complainant is the Supervisor of the Tasmac Bar, due to lockdown the Tasmac Bar was closed on 24.3.2020, on 7.4.2020 the defacto complainant opened the bar and found that the door was broken and brandy bottles were stolen worth about Rs.1,04,000/-, after 14 days the petitioners were arrested on 8.4.2020, the A2 has 4 previous cases and other accused have no previous case, the properties have been partly recovered. Considering the incarceration period of the

petitioners for the past 27 days and the properties have been partly recovered, this court is inclined to grant bail to the Petitioners on condition..

5. In the result, the Petitioners are ordered to be enlarged on bail on their executing own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Melur.** After a period of 8 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, he shall not induce witnesses and they 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 order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in *P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560*. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 4th day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Thideer Nagar P.S.
3. The Superintendent,Sub Jail, Melur.
4. The Petitioner through his counsel.