



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

Wednesday, the Twenty Eighth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1256 of 2015

K. DINESH KUMAR

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

THIRUVERUMBUR POLICE STATION, TRICHY DT. CR.

NO.713/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

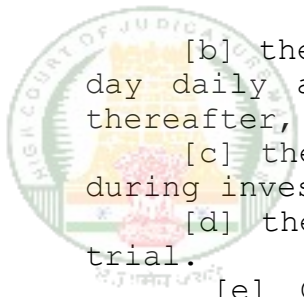
The petitioner, who was arrested and remanded to judicial custody on 04.12.2014 for the offences punishable under Sections 294(b), 420, 448, 436, 454 and 380 (N.P.) of Indian Penal Code in Crime No.713 of 2014 on the file of the respondent police, seeks bail.

2. This is the second bail application and the first bail application was dismissed by this Court in Crl.O.P.(MD)No.23829 of 2014 on 05.01.2015 on the ground that the investigation is at infancy stage.

3. It is the case of the prosecution that the petitioner is a Police Constable and that he had come to his native place and had some business dealings with the *defacto* complainant, who is Transgender. On 04.12.2014, it is alleged that this petitioner had entered into the house of the *defacto* complainant through the rear door and had set fire to her belongings. It is alleged that he had taken away 4½ sovereigns of gold and money. As the petitioner is in incarceration since 04.12.2014, interest of justice would be served, if bail is granted to the petitioner, subject to certain stringent conditions.

4. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate No.VI, Trichy District and on further condition that:

[a] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the learned Judicial Magistrate No.VI, Trichy District, without prejudice to his defence in the criminal case and on such deposit, the learned Magistrate shall issue notice to the *defacto* complainant and the learned Magistrate shall disburse the amount as *ex-gratia* compensation. The learned Magistrate shall accept surety bonds only after deposit of the said sum of Rs.50,000/- (Rupees Fifty Thousand only).



[b] the petitioner shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-
28/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.VI,TRICHY.

2.DO THRO THE CHEIF JUDICIAL MAGISTRATE, TRICHY.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

5.THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.3755

ORDER
IN
CRL OP(MD) No.1256 of 2015
Date :28/01/2015

RG.28/01/2015 2P.7C.