



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3236 of 2015

1 JAYAKUMAR @ MOHAMED ALI,
2 SATHYASEELAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION, THENI DISTRICT,
(CRIME NO.167/2014)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.RAJKUMAR 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 petitioners, who were arrested and remanded to judicial custody on 08.01.2015, for the offence punishable under Section 392 of the Indian Penal Code, in Crime No.167 of 2014, on the file of the respondent police, seeks bail.

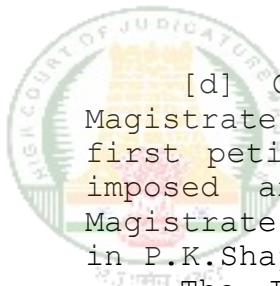
2. The case of the prosecution is that on 13.04.2014, when the *de facto* complainant was proceeding to dump garbage in the garbage bin, these petitioners had snatched her Gold Chain and decamped with it. These petitioners were arrested on 08.01.2015 and it is represented by the learned Government Advocate [Criminal Side] that there is one previous case against the second petitioner, for a similar offence. Therefore, this Criminal Original Petition is dismissed in respect of the second petitioner.

3. As regards the first petitioner, it is represented that there is no previous case against him and the property has also been recovered. In such circumstances, this Court is inclined to grant bail to the first petitioner alone. Accordingly, the first 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, Bodi and on further condition that:

[a] the first petitioner shall report before the respondent police daily at 06.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

<https://hcservices.courts.gov.in/hcservices/> First petitioner shall not abscond either during investigation or trial.



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

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether first the petitioner is complying with the order or not.

This Criminal Original Petition stands dismissed in respect of the second petitioner.

sd/-
23/02/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,BODI.
 - 2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
 - 3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4.THE OFFICER INCHARGE,
UTHAMAPALAYAM SUB JAI, UTHAMAPALAYAM.
 - 5.THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION, THENI DISTRICT.
- +1. CC to M/S.P.RAJKUMAR Advocate SR.No.8199

ORDER
IN
CRL OP(MD) No.3236 of 2015
Date :23/02/2015

rg.24.02.2015 2p.7c.