



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.763 of 2015

SHANMUGA SUNDARAM

..PETITIONER/ACCUSED No.6

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.286/2012

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government 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 15.12.2014 for the offences punishable under Sections 147, 148, 341, 420, 364, 395 r/w 397 IPC, in Crime No.286 of 2012 on the file of the respondent police, seeks bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent.

3. The respondent has filed a counter, objecting to the grant of bail to the petitioner herein. In Paragraph No.2 of the counter, it has been stated as follows:-

"I humbly submit that prosecution case is that on 05.12.2012 one Murugan [who is the driver of the Bolero Pickup Van] preferred a complaint stating that five unknown persons came by TATA Sumo vehicle bearing Registration No.TN-57-AG-5744 and way laid his Bolero Pickup Van and threatened him with deadly weapons and took Rs.36,00,000/- kept in the van and get down him in the forest area. Based on his complaint a case was registered in Crime No.286 of 2012, under Sections 147, 148, 341, 420, 364, 395 r/w 497 IPC and taken up for investigation".

4. The case of the prosecution is that on 05.10.2012, one Murugan, a Driver of Bolero Pickup Van, was carrying cash of Rs.36,00,000/-, belonging to his employer and was transporting it from one place to another. He was intercepted by five unknown persons and he was abducted. After robbing him of Rs.36,00,000/-, he was abandoned in a forest area. Based on the complaint lodged by the said Murugan, a case in Crime No.286 of 2012 was registered by the respondent police. The police were not able to detect he offenders and so, they have closed the case "as undetected". While so, the Inspector of Police arrested some of the accused, in this case, on intelligence and the involvement of this petitioner also came to light. Accordingly, this petitioner was arrested on 15.12.2014.

5. On a reading of the confession statement of one of the accused - Kathiravan, it appears that it was this petitioner, who was watching the movement of cash from the company and was informing the other accused and had held them in the offence.



6. Taking into consideration of the serious nature of allegations against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/02/2015

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

TO

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

2 THE INSPECTOR OF POLICE, DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.5567

ORDER IN

CRL OP(MD) No.763 of 2015

Date :05/02/2015

PBK 06/02/2015 ::2P-5C: