



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13284 of 2016

1 MAKESH @ MAKESHWARAN
2 RAJA
3 RAKESH
4 BUKARI

... PETITIONERS/ ACCUSED NOS.1 AND 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MUTHIAHPURAM POLICE STATION,
TUTICORIN DISTRICT,
CRIME NO. 261 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.ANANDAKUMAR Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

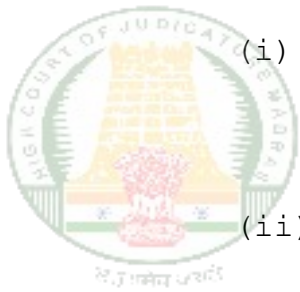
The petitioners are arrayed as Accused Nos.1 to 4, who were arrested and remanded to judicial custody on 10.07.2016 for the alleged offence punishable under Section 399 IPC, in Crime No.261 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that at the time of routine check-up, the petitioners were standing on the road side with wooden logs and on seeing the police, they tried to ran away. The police caught hold them and on enquiry, they confessed that they were planned to rob money from the drivers of the sand lorry. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are in judicial custody from 10.07.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioners planned to rob money from the drivers of the sand lorry and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 10.07.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:



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- (i) Each of the petitioners shall execute 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.II, Tuticorin.
- (ii) the petitioners shall report before the respondent police daily twice at 10.30 a.m., and 05.00 p.m., until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
01/08/2016

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

PS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TUTICORIN
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE, MUTHIAHPURAM POLICE STATION,
TUTICORIN DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S N.ANANDAKUMAR Advocate SR.No.40881

GJM/AAL/MPA/SAR-III-1.7.16-2P-7C

ORDER
IN
CRL OP(MD) No.13284 of 2016
Date : 01/08/2016