



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10360 of 2016

MUNIASAMY

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPARAKUNDRAM POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 316/2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S S.SATHYA CHIDAMBARAM, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 29.05.2016 for the alleged offences punishable under Sections 392 r/w 397, 506(ii) of IPC and Section 25 (1) (a) of Indian Arms Act, in Crime No.316 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 29.05.2016 the petitioner entered into the shop of the defacto complainant and threatened him and took Rs.500/- from the shop at knife point and thereby caused offence. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioners are in judicial custody for more than 30 days.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is having two previous cases and investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 29.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

<https://hcservices.ecourts.gov.in/hcservices/>

- (1) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two



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- sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m., and 5.00 p.m., until further orders.
 - (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
 - (iv) the petitioner 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 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]**.

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 petitioner is complying with the condition or not.

sd/-
28/06/2016

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 3. THE INSPECTOR OF POLICE,
THIRUPPARAKUNDRAM POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- +1. CC to M/S S.SATHYA CHIDAMBARAM Advocate SR.No. 33554

ORDER IN
CRL OP(MD) No.10360 of 2016
Date :28/06/2016