



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.10399 of 2016

1 BOOBALAKRISHAN
2 SOUNDRAPANDI

... PETITIONERS / ACCUSED 1&2

Vs

THE INSPECTOR OF POLICE
PALANI ADIVARAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 221 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.ANAND 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 & 2, who were arrested and remanded to judicial custody on 21.05.2016 for the alleged offences punishable under Sections 392 r/w 397 and 506(ii) of IPC, in Crime No.221 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 21.05.2016 the petitioners entered into the shop of the defacto complainant and threatened him and took Rs.1000/- from his pocket at knife point and attacked him with hands and thereby caused offence. 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 and they have been falsely implicated in this case and the petitioners are in judicial custody for more than 35 days.

4. The learned Government Advocate (Crl. side) submitted that the first petitioner is having 9 previous cases similar in nature and the second petitioner is not having any previous case. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 21.05.2016, 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:

- (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, Palani.
- (ii) the first petitioner shall stay at Madurai report before the Tallakulam police Station daily at 10.00 a.m., and 5.00 p.m., until further orders and the second petitioner shall report before the respondent police daily at 10.00 a.m., and 5.00 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 Crl side), as to whether the petitioners are complying with the condition or not.

sd/-

28/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
PALANI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
PALANI ADIVARAM POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI
- 5 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL DISTRICT
- 6 THE GOVERNMENT ADVOCATE
(CRL.SIDE) MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S N.ANAND Advocate SR.No.33451

AM

JAM/28.06.16/GSV-PM/SAR III/3P-8C

ORDER
IN
CRL OP(MD) No.10399 of 2016
Date :28/06/2016