



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12207 of 2016

ARUN,

... PETITIONER/ACCUSED-2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL,
(CRIME NO.369 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.SATHYA CHIDAMBARAM Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

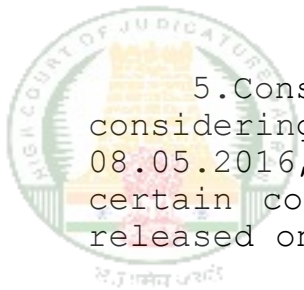
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused no.2 was arrested and remanded to judicial custody on 08.05.2016 for the alleged offence punishable under Section 41(2) of Cr.P.C @ Sections 399 and 402 of IPC in Crime No.369 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 08.05.2016 at about 11.00 hours the respondent Police during their daily rounds found that the petitioner and other accused persons were unlawfully assembled and moving in suspicious manner. When the same was questioned by the respondent police they stated that they planned to commit robbery. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 08.05.2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. side) submitted that the petitioner is a habitual offender and he is having three previous cases in Crime Nos. 292, 299 and 380 of 2015 for the offence under Section 379 of IPC and he further submitted that if the petitioner is enlarged on bail he will tamper the witness and hamper the investigation and prayed for dismissal of this petition.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 08.05.2016, I am 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:

- (i) the petitioner 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.III, Dindigul.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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/-
21/07/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4. THE OFFICER-IN-CHARGE, DISTRICT PRISON, DINDIGUL
5. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL,
- +1. CC to M/S S.SATHYA CHIDAMBARAM Advocate SR.No.38481
RL/7C/2P/SK/SKN/SARI/21/7/2016

ORDER
IN
CRL OP(MD) No.12207 of 2016
Date :21/07/2016