



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

Thursday, the Fourth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.12266 of 2016

WEB COPY

M. KUMARESAN

... PETITIONER/1st ACCUSED

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

TOWN SOUTH POLICE STATION,

DINDIGUL TOWN,DINDIGUL DISTRICT,

CR NO. 463 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.SELVARAJ 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 petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 18.06.2016 for the alleged offences punishable under Sections 41(2) Cr.P.C. and 399, 402 of IPC in Crime No.463 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 18.06.2016 when the respondent police went along with his police party for a usual ride, they found that the petitioner and other accused persons standing in a suspicious manner, on seeing the police personnel ran away from the place of occurrence. The petitioner and A2 were arrested and they confessed that they were preparing to commit the dacoity. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 18.06.2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioner and other accused conspired together and assembled unlawfully, planning to commit dacoity. The petitioner is a habitual offender and he is having 3 previous cases in Crime Nos. 176 and 177 of 2015 and 369 of 2016. This Court by the order, dated 13.07.2016, in Crl.O.P.(MD).No.11470 of 2016, dismissed the bail application of the petitioner. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation and prayed for dismissal of petition.

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

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 18.06.2016 and the co-accused No.4 was granted anticipatory bail, 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:

- (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.3, Dindigul.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.00 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/-

04/08/2016

/ 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-THRO'THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,DISTRICT PRISON,DINDIGUL.
- 4 THE SUB INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION, DINDIGUL TOWN, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S D.SELVARAJ Advocate SR.No.41971

ORDER IN

CRL OP(MD) No.12266 of 2016

Date :04/08/2016

PA/AAL-MPA/SAR III/04.08.2016/2P/7C