



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12856 of 2016

VIGNESH @ THAMILMANI

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REPRESENTED BY  
THE SUB INSPECTOR OF POLICE  
DINDIGUL TOWN NORTH POLICE STATION,  
DINDIGUL DISTRICT.  
CR. NO.835/2011

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.GOKUL Advocate

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

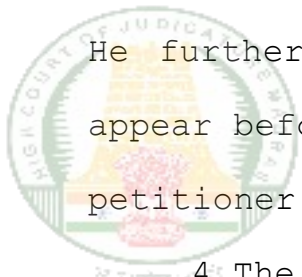
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.2 was arrested and remanded to judicial custody on 22.06.2016 for the alleged offences punishable under Sections 457 and 380 of IPC in Crime No.835 of 2011, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 18.07.2011 at about 3.15 pm, the petitioner along with other accused broke opened the house of the defacto complainant and committed theft of gold jewels and cash of R.89,000/-. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is 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 the petitioner will not abscond and he will appear before the trial Court regularly and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. side) submitted that due to the absence of the petitioner a non-bailable warrant was issued against him on 23.05.2016 by the learned Judicial Magistrate No. II, Dindigul and thereafter, he was arrested only on 22.06.2016. He further submitted that one after another accused persons are continuously absent in the trial Court and in such circumstances if the petitioner is enlarged on bail again he will not appear before the trial court and prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that the occurrence took place in the year 2011 and that the petitioner is undertaking to appear before the trial Court, 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. II, Dindigul.
- (ii) the petitioner shall appear before the concerned Court daily at 10.00 am for a period of two weeks and thereafter, appear before the Court regularly on all future hearing dates without fail.
- (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.



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(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/-  
26/07/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
DINDIGUL
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
DINDIGUL
- 3 THE SUB INSPECTOR OF POLICE  
DINDIGUL TOWN NORTH POLICE STATION,  
DINDIGUL DISTRICT.
- 4 THE OFFICER IN-CHARGE  
SUB JAIL, DINDIGUL
- 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S K.GOKUL Advocate SR.No.39383

JAM/26.07.2016/SK-SKN/SARI/ 3P-7C

ORDER  
IN  
CRL OP(MD) No.12856 of 2016  
Date :26/07/2016