



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

Friday, the Fifth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13029 of 2016

WEB COPY

S. ARUNACHALAM @ SERMAN

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO. 213 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU 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 A1 was arrested and remanded to judicial custody on 09.06.2016 for the alleged offences punishable under Section 394 of IPC @ 397 of IPC in Crime No.213 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 31.05.2016, the defacto complainant was while coming in the motorcycle, he was attacked by the accused persons and Rs.17,92,350/- was robbed from the defacto complainant. 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 that the petitioner's name is not found in FIR and he is a gold smith with high reputation. Further, the petitioner is suffering from serious spinal card disc problem and he could not walk and run and he has to undergo surgery and he has also produced the medical certificate. The petitioner is in judicial custody from 09.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is the main accused person and the petitioner and other acused persons attacked the defacto complainant and robbed a sum of Rs.17,92,350/- and only a sum of Rs.12,00,560/- was recovered. He further submitted that if the petitioner is enlarged on bail he will abscond and tamper the witnesses 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 suffering from spinal card disc problem and he is in judicial custody from 09.06.2016, 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:

- (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, Valliyoor, Thirunelveli District.
- (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/-

05/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,VALLIYOOR,TIRUNELVELI DISTRICT.
2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3 THE SUPERINTENDENT, CENTRAL PRISON,PALAYAMKOTTAI.
4 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,TIRUNELVELI DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.42168

ORDER

IN

CRL OP(MD) No.13029 of 2016

Date :05/08/2016

PA/GSV-PM/SAR III/05.08.2016/2P/7C