



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13136 of 2016

WEB COPY

1 CHELLARAJA
2 PARAMASIVAM

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.338 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.PITCHAI MUTHU 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 03.07.2016 for the alleged offences punishable under Sections 394 altered into 397 of IPC, in Crime No.338 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that when the defacto complainant had transported garment parcels in a lorry all the accused persons jumped over the lorry and torn the Tarpaulin and taken two parcels and subsequently, attacked the defacto complainant. 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 their names have not been mentioned in the FIR. Only on the basis of the confession of co-accused, they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) submitted that A3 & A4 are still in custody and A5 & A6 are detained under Act 14 of 1982 and the petitioners are having one previous case and the parcels are also recovered and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 03.07.2016 and the property has already been recovered, 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 for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti.



- (ii) the petitioners shall report before the respondent police daily twice 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/-
28/07/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S M.PITCHAI MUTHU Advocate SR.No.40154

ORDER
IN
CRL OP(MD) No.13136 of 2016
Date :28/07/2016