



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13354 of 2016

BALAMURUGAN

... PETITIONER / ACCUSED-1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUTHUKOTTAI DISTRICT.
CR. NO.360/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.ABDUL RAHUMAN 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 08.12.2015 for the alleged offences punishable under Sections 392 and 397 IPC, in Crime No.360 of 2015, on the file of the respondent police and hence, seeks bail.

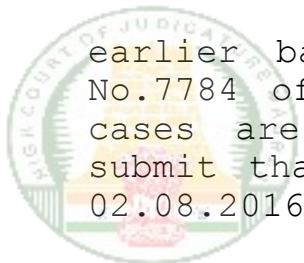
2.The case of the prosecution is that on 08.12.2015, the petitioner along with other accused grabbed a sum of Rs.10,000/- and cell phone from the defacto complainant at the knife point. On complaint, case has been registered for the above said offences.

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 08.12.2015.

4.The learned counsel for the petitioner submitted that this Court by an order, dated 18.04.2016, directed the Chief Judicial Magistrate, Pudukottai to dispose of the case in S.C.No.9 of 2016 as expeditiously as possible.

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

5.The learned Government Advocate (Crl. side) submitted that



earlier bail petition filed by the petitioner in CrI.O.P(MD) No.7784 of 2016 was dismissed on the ground that six previous cases are pending against the petitioner. She would further submit that trial commenced and P.Ws.5 to 7 to be examined on 02.08.2016 and trial will be concluded within a month.

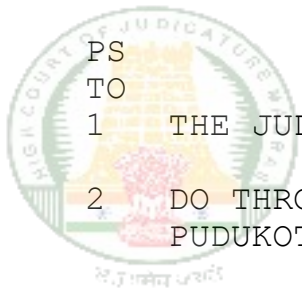
6.Considering the fact that this Court by an order, dated 18.04.2016, directed the Chief Judicial Magistrate, Pudukottai to dispose of the case in S.C.No.9 of 2016 as expeditiously as possible and also considering the fact that already three witnesses were examined and on 02.08.2016 P.Ws.5 to 7 are to be examined and the petitioner is in judicial custody from 08.12.2015, 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, Keeranur.
- (ii) the petitioner shall report before the Judicial Magistrate, Keeranur daily at 10.30 a.m., and 05.00 p.m., till the conclusion of trial.
- (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]**.

7.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/-
01/08/2016

/ TRUE COPY /



PS

TO

1 THE JUDICIAL MAGISTRATE, KEERANUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE, VIRALIMALAI POLICE STATION,
PUTHUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

+1. CC to M/S S.ABDUL RAHUMAN Advocate SR.No.40906

GJM/AAL/MPA/SAR-III-1.8.16-3P-7C

ORDER

IN

CRL OP (MD) No.13354 of 2016

Date :01/08/2016