



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13661 of 2016

T.KAPILPANDI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY THE INSPECTOR OF POLICE
SATHIRAKUDI POLICE STATION,
SATHIRAKUDI, RAMANATHAPURAM DISTRICT.
IN CRIME NO.85/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.BOOPATHIPANDIYAN Advocate

For Respondent : M/S.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 sole accused, who was arrested and remanded to judicial custody on 26.06.2016 for the alleged offence punishable under Section 387 IPC, in Crime No.85 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 26.06.2016 at about 08.00 a.m., the petitioner stopped the de facto complainant's vehicle and at knife point, he snatched a sum of Rs.100/- from him. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 26.06.2016.

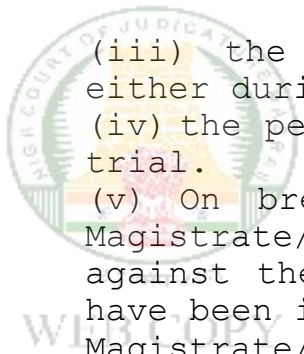
4.The learned Government Advocate (Crl. side) submitted that the petitioner at knife point snatched a sum of Rs.100/- from the de facto complainant. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation. The petitioner is having two previous cases.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 26.06.2016, 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, Paramakudi.

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

(ii) the petitioner shall report before the respondent police daily twice i.e., at 10.00 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/-

03/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE, SATHIRAKUDI POLICE STATION,
SATHIRAKUDI, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, BORSTAL SCHOOL, PUDUKOTTAI.

+1. CC to M/S M.BOOPATHIPANDIYAN Advocate SR.No. 41469

smn

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ORDER

IN

CRL OP(MD) No.13661 of 2016

Date :03/08/2016