



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14706 of 2016

BALAMURUGAN ALIAS BALAMURALI

... PETITIONER/ACCUSED NO.3

Vs

STATE REP BY

THE SUB INSPECTOR OF POLICE

KODAIKANAL POLICE STATION, DINDIGUL DISTRICT

(CRIME NO.289 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PITCHAIMUTHU Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

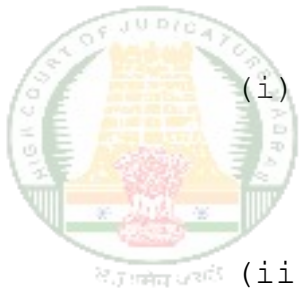
The petitioner is arrayed as Accused No.3, who was arrested and remanded to judicial custody on 23.06.2016, for the offences punishable under Sections 394 and 397 IPC, in Crime No.289 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and other accused hired an Indica car of the defacto complainant and while the car was proceeding towards Kodaikanal at 10.30 a.m., the accused attacked the defacto complainant with knife and took the car and cellphone. 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 and a false case has been foisted against him. The petitioner is in judicial custody from 23.06.2016.

4.The learned Government Advocate (Criminal side) submitted that the petitioner and other accused persons took the car of the defacto complainant and cell phone and attacked him. He would further submit that the car was seized from the accused persons and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the car has been seized and the petitioner is in judicial custody from 23.06.2016, 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:



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- (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, Kodaikanal, Dindigul District.
- (ii) the petitioner shall report before the respondent Police daily twice 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 conditions or not.

sd/-
18/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
 - 5.THE SUB INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT
- +1. CC to M/S.M.PITCHAIMUTHU Advocate SR.No.45661
RL/7C/2P/SK/SKN/SARI/19/8/2016

ORDER
IN
CRL OP(MD) No.14706 of 2016
Date :18/08/2016