



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.15016 and 15017 of 2016

THILAGAVATHI

... PETITIONER / 2nd ACCUSED in
CRL OP(MD).15016/16

KARTHICK

... PETITIONER / 3rd ACCUSED in
CRL OP(MD).15017/16

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 136 OF 2016)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.M.RAMU Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

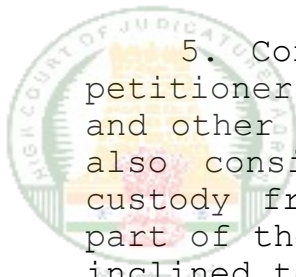
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.2 and 3, who were arrested and remanded to judicial custody on 01.07.2016 for the alleged offences punishable under Section 397 IPC, in Crime No.136 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the petitioners along with other accused trespassed into the house of the defacto complainant covering their face and at knife point, snatched 7 ½ sovereigns of gold chain from the defacto complainant and 7 sovereigns of gold from his wife and caused cut injuries. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that 82 grams of gold was recovered and 39 grams of gold was pledged by A1 and A1 was released on bail by the lower court on 26.08.2016 and the petitioners are in judicial custody from 01.07.2016.

4.The learned Government Advocate(Crl.side) submitted that part of the stolen properties were recovered and one chain is not recovered and if the petitioners are released on bail, they will tamper the evidence and hamper the investigation.



5. Considering the contention of the learned counsel for the petitioners that stolen jewels were recovered from the petitioners and other jewels were pledged by A1 and A1 was enlarged on bail and also considering the fact that the petitioners are in judicial custody from 01.07.2016 and also considering the fact that major part of the investigation is almost over by this time, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Pudukkottai.

(ii) the petitioners shall report before the respondent police daily at 10.00 a.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/-

29/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE, THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 5 THE OFFICER INCHARGE, WOMEN PRISON, TRICHY
- 6 THE OFFICER INCHARGE, SUB JAIL, PUDUKKOTTAI

+2. CC to M/S.M.RAMU Advocate SR.No.47657, 47658

ORDER IN

CRL OP(MD) Nos.15016
and 15017 of 2016

Date :29/08/2016