



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15379 of 2016

SATHISH @ SATHISH KUMAR

... PETITIONER/ACCUSED NO.6

Vs

THE STATE BY
THE SUB INSPECTOR OF POLICE
PANTHALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.108/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S C.SURESH KANNAN Advocate

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

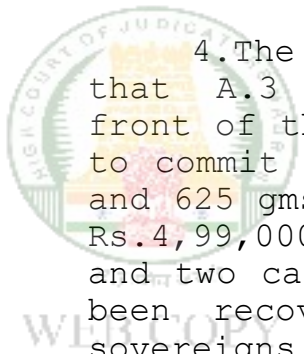
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.6, who was arrested and remanded to judicial custody on 09.07.2016, for the offences punishable under Sections 342, 394 and 397 IPC @ Sections 120-B, 342, 394, 397, 400, 414, 450 and 201 IPC, in Crime No.108 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 persons conspired together to commit robbery and on 02.07.2016, at 02.20 p.m., three accused persons among the accused entered into Muthoot Fincorp Limited, Panthalkudi and wrongfully confined the de facto complainant and at knife point, they got the locker keys from the de facto complainant and looted a sum of Rs.2,82,000/- and 625 gms of gold jewels, which were pledged by the customers of the finance company. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is the petitioner has been implicated in the case only on the basis of the confession statement given by A.1 and he is an innocent person and he has not committed any offence as alleged by the prosecution. The robbed amount as well as the gold ornaments were already recovered from the other accused and there was no recovery from the petitioner. The petitioner is in judicial custody from 09.07.2016. A.11 was already enlarged on bail by this court vide order dated 18.08.2016 made in Crl.O.P(MD)No.14482 of 2016.



4.The learned Government Advocate (Criminal side) submitted that A.3 is running a mobile phone service and spare parts shop in front of the Finance Company and all the accused conspired together to commit robbery and at knife point looted a sum of Rs.2,82,000/- and 625 gms of gold jewels. He would further submit that a sum of Rs.4,99,000/- and some jewels have been recovered from the accused and two cars purchased from and out of the amount sold by A.11 has been recovered and from A.11, a sum of Rs.1,40,500/- and 9 sovereigns of gold jewels were recovered and the investigation is pending. The earlier petition for bail filed by the petitioner was dismissed vide order dated 03.08.2016 made in CrI.O.P(MD)No.13099 of 2016.

5.Considering the contention of the learned Government Advocate (Criminal Side) that major portion of the jewels and amounts were recovered and the petitioner is in judicial custody from 09.07.2016 and A.11 was already enlarged on bail, 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, Aruppukottai.
- (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]**.

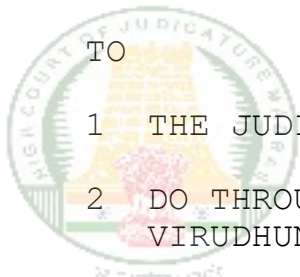
6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

22/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
PANTHALKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

+1. CC to M/S C.SURESH KANNAN Advocate SR.No.46288

SMN

CSL/AAL-MPA/SAR-LIB/22.08.2016: 2P/7C

ORDER

IN

CRL OP(MD) No.15379 of 2016

Date :22/08/2016