



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.15423 of 2016

AYYAPPAN

... PETITIONER/ACCUSED No.3

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN POLICE STATION,
DINDIGUL , DINDIGUL DISTRICT
CR. NO. 877 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN 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 who is arrayed as accused no.3 was arrested and remanded to judicial custody on 05.08.2016 for the alleged offences punishable under Sections 399 and 402 of IPC, in Crime No.877 of 2016, on the file of the respondent Police and hence, seeks bail.

2.The case of the prosecution is that the respondent Police while on patrol duty found that the accused persons were planning to commit robbery and hence, they arrested the petitioner and other accused on 05.08.2016. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and only for the statistical purpose his name has been falsely implicated in this case and the petitioner is in judicial custody from 05.08.2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner is having four previous cases and the investigation of the case is pending. He further submitted that if the petitioner is enlarged on bail, he will tamper the evidence and hamper the investigation and prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 05.08.2016, 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 No.II, Dindigul, Dindigul District.
- (ii) the petitioner shall report before the respondent Police daily at 10.00 a.m. and 5.00 pm 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 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 petitioner is complying with the condition or not.

sd/-

30/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL, DINDIGUL DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.
- 4 THE SUB INSPECTOR OF POLICE, DINDIGUL TOWN POLICE STATION, DINDIGUL, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.48159

ORDER IN

CRL OP(MD) No.15423 of 2016

Date : 30/08/2016

PA/SS3/SAR_III/30.08.2016/2P/7C