



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.15631 of 2016

SURESH @ SUBBAIAH

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
TUTICORIN DISTRICT.
CR. NO.283/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

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

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

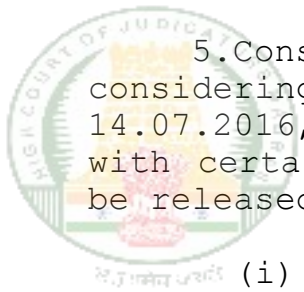
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 14.07.2016 for the alleged offences punishable under Sections 380(2) of IPC (MO) CLOSS III T- 1, in Crime No.283 of 2015, on the file of the respondent Police and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused trespassed into the temple Poosari's house and stolen the idol, height about 1 ½ feet and his house hold articles. 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 his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 14.07.2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) submitted that the stolen property is recovered and the investigation of the case is pending. He further submitted that 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 14.07.2016, 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 Chief Judicial Magistrate, Virudhunagar District of Srivilliputur.
- (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 CHIEF JUDICIAL MAGISTRATE VIRUDHUNAGAR DISTRICT
AT SRIVILLIPUTHUR.
 - 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 - 3 THE OFFICER INCHARGE, DISTRICT PRISON, SRIVAIKUNDAM.
 - 4 THE INSPECTOR OF POLICE, MURAPPANADU POLICE STATION,
TUTICORIN DISTRICT.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.48404.

ORDER
IN
CRL OP(MD) No.15631 of 2016
Date : 30/08/2016