



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

Friday, the Twenty Sixth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA

CRL OP(MD) No.15796 & 15800 of 2016

DHANUSKODI

... PETITIONER / ACCUSED NO.9
IN CRL OP(MD)NO.15796/2016

SANTHANAM

... PETITIONER / ACCUSED NO.10
IN CRL OP(MD)NO.15800/2016

Vs

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

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.C.SURESH KANNAN Advocate IN BOTH THE PETITIONS

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

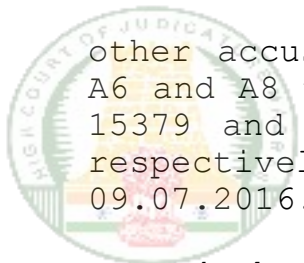
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.9 and 10, who were arrested and remanded to judicial custody on 09.07.2016 for the alleged offences punishable under Sections 342, 394 & 397 IPC @ Sections 120-B, 342 394, 397, 400, 414, 450 & 201 I.P.C. in Crime No.108 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners 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 defacto complainant and at knife point, they got the locker keys from the defacto 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 petitioners is that the petitioners have been implicated in the case only on the basis of the confession statement given by A1 and they are innocent persons and they have 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 petitioners. A11, A6 and A8 were granted bail by this Court in CrI.O.P.(MD)Nos.14482, 15379 and 15484 of 2016 on 18.08.2016, 22.08.2016 and 23.08.2016 respectively. The petitioners are in judicial custody from 09.07.2016.

4.The learned Government Advocate(CrI.side) submitted that all the accused conspired together and 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 has been recovered from A11, a sum of Rs.1,40,500/- and 9 sovereigns of gold jewels were recovered and the investigation is pending.

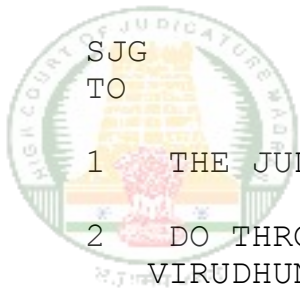
5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 09.07.2016 and also considering the fact A11, A6 and A8 were already released on bail by this Court, this Court is inclined to enlarge the petitioners on bail with certain 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, Aruppukkottai.
- (ii)the petitioners shall report before the respondent Police daily at 10.00 a.m. and 05.00 p.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 (CrI side), as to whether the petitioners are complying with the condition or not.

sd/-

26/08/2016



SJG
TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR

WEB COPY

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

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

+2. CC to M/S.C.SURESH KANNAN Advocate SR.No.47454, 47453

GJM/SK/SKN/SAR-III-26.8.16-3P-8C

ORDER
IN
CRL OP (MD) No.15796 &
15800 of 2016
Date :26/08/2016