



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

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19843 of 2016

PACKIYARAJ,

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

SIVAGANGAI TOWN POLICE STATION,

SIVAGANGAI.

IN CRIME NO.739/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.SASIKUMAR Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 02.10.2016 for the offences punishable under Sections 392, 397 and 506(ii) IPC in Crime No.739 of 2016 on the file of the respondent police, seeks bail.

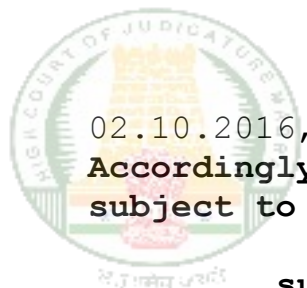
2. The case of the prosecution is that the petitioner waylaid the defacto complainant at knife point and robbed a sum of Rs.500/- from him and also threatened the defacto complainant in dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence and no complaint was preferred by the complainant.

4. The complainant, who appeared before this Court in person has stated that he has never seen the petitioner earlier and he went to the Police Station only for giving surety to his brother and at that time, Police have obtained some signatures on blank papers and contents have been written by them. He has also filed an affidavit to that effect.

5. Heard the learned Government Advocate (Crl.Side) on the above submission.

6. Considering the facts and circumstances of the case and taking into account the affidavit of the complainant and also the fact that the petitioner has been undergoing incarceration since



02.10.2016, this Court is inclined to grant bail to the petitioner. 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.1, Sivagangai;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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]**.

7. In the event of the respondent police coming to know of the fact that the complaint given by the complainant is genuine and misrepresentation has been made before this Court, it is open to the Police to proceed against the defacto complainant in the manner known to law.

sd/-

11/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI.

5 THE OFFICER-IN-CHARGE, DISTRICT SUB JAIL, SIVAGANGAI.

+1. CC to M/S.A.Mohan, Advocate SR.No.68242

ORDER IN

CRL OP(MD) No.19843 of 2016

Date :11/11/2016