



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

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The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20518 of 2016

MANIKANDAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION,
NAVALPATTU, TRICHIRAPPALLI DISTRICT
IN CRIME NO.177 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.BANUMATHY, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.10.2016 for the alleged offences punishable under Sections 392 and 397 IPC in Crime No.177 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3.The case of the prosecution is that the petitioner snatched the chain of the defacto complainant.

4.Learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is under incarceration from 09.10.2016.

5.Learned Government Advocate (Crl. Side) submitted that the stolen article has been recovered.

6.Considering the facts and circumstances of the case and taking note of the fact that the stolen article has been recovered and further the petitioner is under judicial custody from 09.10.2016, 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:



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(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 Judicial Magistrate No.III, Tiruchirapalli;

(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]**.

sd/-

22/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPALLI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPALLI.
- 3 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
- 5 THE INSPECTOR OF POLICE, NAVALPATTU POLICE STATION,
NAVALPATTU, TRICHIRAPPALLI DISTRICT.

+1. CC to M/S.T.BANUMATHY, Advocate SR.No.71386.

ORDER IN

CRL OP(MD) No.20518 of 2016

Date :22/11/2016