



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

Wednesday, the Seventh day of December Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23038 of 2016

PALPANDI

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 804 OF 2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.R.GANDHI, ADVOCATE

FOR RESPONDENT : Mr.P.KANDASAMY, GOVERNMENT ADVOCATE (CRL. SIDE)

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

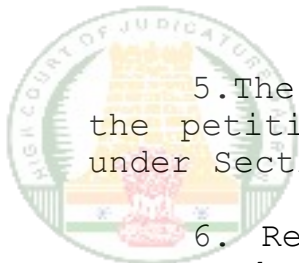
ORDER : The Court Made the following order :-

The petitioner is arrayed as second accused, who was arrested and remanded to judicial custody on 10.11.2016 for the alleged offences punishable under Section 399 IPC, in Crime No.804 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on secret information, the respondent police came near Chinnamooppanpatti Village and they found that the accused had criminally conspired together to make preparation for committing decoity with weapons and tried to escape from the place.

3.The case of the petitioner is that the petitioner has not committed any offence as alleged by the prosecution and the respondent police registered the case for statistical purpose. The petitioner is in judicial custody from 10.11.2016.

4.The learned counsel for the petitioner states that the petitioner herein is the defacto complainant in the case in Crime No.803 of 2016 dated 09.11.2016.



5.The learned Government Advocate (Crl. side) submitted that the petitioner is having 9 previous cases including the offences under Sections 302, 307, 379 IPC and other Sections of IPC.

6. Replying the same, the learned counsel for the petitioner states that in most of the cases referred by the learned Government Advocate(Crl.side), the petitioner was acquitted and further, the cases relate to the years 2009 and 2011 itself.

7.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 10.11.2016, 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.I, Virudhunagar.
- (ii)the petitioner shall report before the jurisdictional court at 10.30 a.m. 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
07/12/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. CC to M/S.R.GANDHI Advocate SR.No. 79576

ORDER
IN
CRL OP(MD) No.23038 of 2016
Date :07/12/2016

CM
TE/CK/SAR-II : 07/12/2016 : 3P/7C