



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

Monday, the Nineteenth day of December Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.23470 of 2016

WEB COPY

THANGA PANDI @ THANGA PANDIAN ... PETITIONER / 3rd ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 390 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.ANANDAN Advocate

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

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

ORDER : The Court Made the following order :-

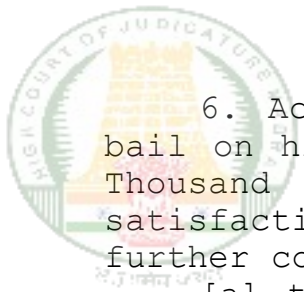
The petitioner, who was arrested and remanded to judicial custody on 05.11.2016, for the offences punishable under Sections 147, 294(b), 506(i), 406, 420 and 363 of IPC., in Crime No.390 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A3 and others were conspired together along with A1 and A2 and they sold the child under the pretext of giving adoption and received a sum of Rs.2,00,000/- in two instalments from the defacto complainant, by promising to make necessary arrangement for fulfilling the procedures for adoption, but they failed to do so.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that even as per the version of FIR, the specific overt act attributed against the petitioner is that the petitioner along with five other persons were present in the bus stand, at the time of receiving the child from A1 and A2 by the defacto complainant.

4. The learned Government Advocate (crl.side) submitted that totally there are seven accused in this case and the petitioner is arrayed as A3 and all the accused were arrested on 05.11.2016 and they are in custody and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the specific overt act attributed against the petitioner and the period of incarceration, I am inclined to grant bail to the petitioner subject to certain conditions.



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Tenkasi, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-

19/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.2)

TO

1 THE JUDICIAL MAGISTRATE
TENKASI.

2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT,

4 THE OFFICER IN CHARGE
SUB JAIL, TENKASI.

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

+1. CC to M/S.B.ANANDAN Advocate SR.No.81593

ORDER

IN

CRL OP(MD) No.23470 of 2016

Date :19/12/2016