



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

Wednesday, the First day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.8325 of 2016

PERIYATHAMBI

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.58/2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.ABIYA Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

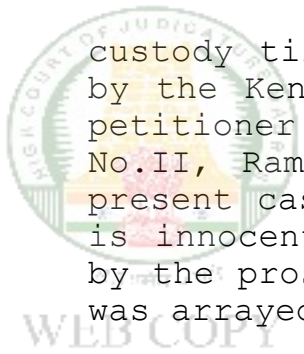
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 12.04.2016 for the alleged offences punishable under Sections 457 and 380 of IPC, in Crime No.58 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as Supervisor in the TASMACH Shop and on 04.03.2016 after completion of sales, he taken out the sales amount along with Salesman Archunan, locked the shop and went to house. On 05.03.2016 when the Salesman came to open the shop he has seen that the shutter of western side of the shop was broken and number of brandy bottles and its boxes are scattered into the shop. Immediately, the Salesman has given the intimation to the defacto complainant. The defacto complainant came and found that various brand brandy bottles are stolen by somebody. The total worth of Brandy Bottles is Rs.2,33,976/-. The defacto complainant intimated the above theft to the District Manager of TASMACH and gave a complaint to the respondent police. On his complaint, the case has been registered for the above said offences.

3.The case of the petitioner is that based on the confession of A1, the petitioner was arrayed as accused No.2. The petitioner was arrested and he is in judicial custody from 12.04.2016. Originally, the petitioner was arrested on 03.03.2016 and he is in judicial



custody till 03.04.2016 in Cr.No.512 of 2015, which was registered by the Kenikarai Police station, Ramanathapuram. On 03.04.2016 the petitioner was released on bail by the learned Judicial Magistrate No.II, Ramanathapuram in Cr.No.512 of 2015. Due to arrest in the present case, the petitioner is in judicial custody. The petitioner is innocent person and he has not committed any offence as alleged by the prosecution and only on the confession of A1, the petitioner was arrayed as A2.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is a habitual offender and the value of the Brandy bottle is very high and investigation is pending and prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 12.04.2016, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on 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, Devakottai and on further condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m., and 5.00 p.m., until further orders.

sd/-
01/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.ABIYA Advocate SR.No.27276
AM

JM/GSV-SAR-II/01.06.2016/2P-7C

ORDER
IN
CRL OP(MD) No.8325 of 2016
Date :01/06/2016