



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

Thursday, the Twenty Seventh day of July Two Thousand Seventeen

PRESENT

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

WEB COPY

CRL OP(MD) Nos.9774 and 9789 of 2017

THANGAMARIAPPAN

... PETITIONER / ACCUSED NO.2

IN CRL OP(MD) No.9774 of 2017

SANTHANA ASWIN SATHISH

... PETITIONER / ACCUSED NO.3

IN CRL OP(MD) No.9789 of 2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN DISTRICT.
(CRIME NO.328 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.M.MOHAMADU SARBUDEEN Advocate
IN BOTH PETITIONS

For Respondent : MR.A.RAMAR Additional Public Prosecutor
IN BOTH PETITIONS

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

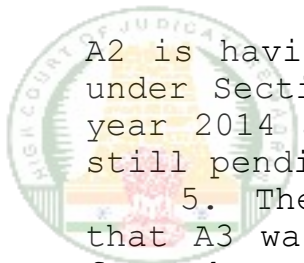
ORDER : The Court Made the following order :-

The petitioners /A2 and A3, who were arrested and remanded to judicial custody on 18.06.2017 for the offences punishable under Sections 341, 294(b), 387, 307 and 506(ii) of IPC in Crime. No.328 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are alleged to have robbed a sum of Rs.800/- from the de facto complainant and also they have threatened him and public with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners states that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally three accused in this case and the petitioner in Crl.O.P(MD).No.9774 of 2017 is arrayed as A2 and the petitioner is Crl.O.P(MD).No.9789 of 2017 is arrayed as A3 respectively. He would further state that A1 was already arrested and released on bail by this Court in Crl.O.P (MD).No.9414 of 2017, dated 25.07.2017. He would further state that



A2 is having 5 previous cases including for the offence punishable under Section 302 of IPC and A3 is having two previous cases in the year 2014 and no one has sustained injury and the investigation is still pending.

5. The learned counsel appearing for the petitioners states that A3 was acquitted from two previous cases and A2 was acquitted from the previous offence under Section 302 IPC.

6. Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury in the occurrence and the A1 was already arrested and released on bail, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(I) Each of 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.III, Tuticorin.

(ii) the petitioners shall appear before the learned Judicial Magistrate No.III, Tuticorin on all working days at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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/-

27/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 OFFICER IN CHARGE,
DISTRICT JAIL, SRIVAİKUNDAM, TUTICORIN DISTRICT.
- 4 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.M.MOHAMADU SARBUDEEN Advocate SR.Nos.27379,27378

ORDER IN

CRL OP(MD) Nos.9774 and 9789 of 2017

Date :27/07/2017