



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

Friday, the Fourth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10282 of 2017

RAMAMOORTHY

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.66/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

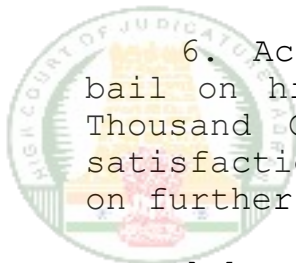
The petitioner, who was arrested and remanded to judicial custody on 17.07.2017, for the offences punishable under Sections 341, 395 and 506(i) of IPC., in Crime No.66 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused wrongfully restrained the defacto complainant and taken away a sum of Rs.500/- illegally.

3. The learned counsel appearing for the petitioner states that the petitioner's name was not found in the FIR and he was implicated in this case based on the confession of the co-accused and he is an innocent and he has not committed any offence, as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered against unnamed accused and during investigation, on confession of A1, the other accused were implicated in this case. A1 to A4 were arrested and A5 was granted anticipatory bail by the concerned Sessions Court. He would further submit that the petitioner is not having any previous case of similar type of offence.

5. Considering the above facts and circumstances of the case and the petitioner was implicated in this case based on the confession of the co-accused and recovery was effected only from A1 and the FIR was registered against the unnamed accused and the period of incarceration of the petitioner in jail, this Court is 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, Muthukulathur, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Muthukulathur, daily at 10.30 a.m., until further orders.

[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/-

04/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 OFFICER IN CHARGE, DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.28113

ORDER
IN
CRL OP(MD) No.10282 of 2017
Date :04/08/2017

MKV-CM-MSA-SAR 1/4.8.2017/2P-7C