



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

Tuesday, the Eighth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.10383 to 10386 of 2017

BALAMURUGAN

... PETITIONER / ACCUSED NO.2
IN ALL THE PETITIONS

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

... RESPONDENT / COMPLAINANT

(REF.CRIME NO.462 OF 2016)
(REF.CRIME NO.463 OF 2016)

IN CRL OP(MD) No.10383 of 2017
IN CRL OP(MD) No.10385 of 2017

THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT

... RESPONDENT / COMPLAINANT

(REF.CRIME NO.372 OF 2016)
(REF.CRIME NO.107 OF 2016)

IN CRL OP(MD) No.10384 of 2017
IN CRL OP(MD) No.10386 of 2017

For Petitioner : M/S.R.NIRESH KUMAR Advocate IN ALL THE PETITIONS

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

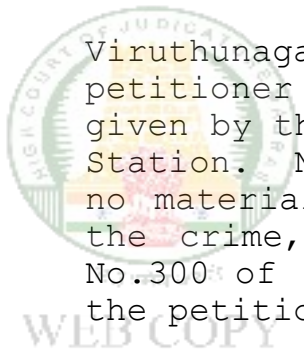
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in all petitions / A2 who was arrested on 17.06.2017, for the offences punishable under Sections 454, 457 and 380 of IPC., in Crime Nos.462, 372, 463 and 107 of 2016 respectively on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused said to have broke open the house of the defacto complainant and stolen gold jewels.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner was granted bail in Crime No.300 of 2017 on the file of Rajapalayam South Police Station in Cr.M.P(MD) No.2087 of 2017, dated 06.07.2017 by the Sessions Court,



Viruthunagar, Srivilliputhur. He further submitted that the petitioner was implicated in all these cases, as per the confession given by the A1 in Crime No.300 of 2017 of Rajapalayam, North Police Station. No recovery is effected from the petitioner side. There is no material to prove the alleged involvement of the petitioner in the crime, except the confession of the co-accused A1, in Crime No.300 of 2017 on the file of Rajapalayam South Police Station and the petitioner has been roped in this case by the respondent Police.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that totally there are 4 accused in Crime No.462 & 463 of 2016 on the file of Rajapalayam North Police Station and Crime No.107 and 372 of j2016 on the file of Thalavaipuram Police Station. In the above 4 cases, FIR was registered against the unnamed accused. The petitioner herein was arrested in Crime No.300 of 2017 of Rajapalayam South Police Station on 17.06.2017 on the confession of A1 of that case. All the accused in Crime No.300 of 2017 are shown as accused in the 4 cases on hand. The Petitioner is arrayed as A2 in all 4 the four cases. He also submitted that 5 sovereigns of gold chain worth about to Rs.50,000/- was taken away on house breaking in respect of Crime No.462 of 2016; 8 sovereigns of gold chain worth about Rs.80,000/- was taken away on house breaking in respect of Crime No.463 of 2016; 16 sovereigns of gold jewels worth about to Rs.1,70,000/- was taken away on house breaking in respect of Crime No.372 of 2016 and 16 sovereigns of gold for which value was not given taken away on house breaking in respect of Crime No.107 of 2016. Petitioner is having 5 previous cases including the Crime No.300 of 2017, apart from the present 4 cases. Petitioner was formerly arrested in Crime Nos.462 of 2016 & 463 of 2016 on 28.06.2017. petitioner was formerly arrested in Crime Nos.107, 372 of 2016 on 29.06.2017. The petitioner is now in judicial custody. Stolen properties are not yet recovered in those cases. Investigation is still pending. A4 in this case is still absconding. A1 to A3 were arrested and they are in custody.

5.Considering the facts and circumstances of the case and also considering the fact that no properties were recovered from the petitioner herein and he is in custody for more than a month, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i)the petitioner in each case 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 Judicial Magistrate, Rajapalayam.

(ii)in all cases, the petitioner is directed to appear before the learned Judicial Magistrate, Rajapalayam twice in a day i.e., Morning 10.30 a.m., and Evening 5.00 p.m., until further orders,

(iii)the petitioner shall not tamper with the 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



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].

WEB COPY

sd/-
08/08/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE, VIRUTHUNAGAR, SRIVILLIPUTHUR.
 - 2 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
 - 3 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
 - 5 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
 - 6 THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT
 - 7 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 8 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +4. CC to M/S.R.NIRESH KUMAR Advocate SR.Nos.28343 to 28346

ORDER IN
CRL OP(MD) Nos.10383 to 10386 of 2017
Date :08/08/2017

MKV-CM-MSA-SAR 2/9.8.2017/3P-13C