



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

Wednesday, the Ninth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10479 of 2017

1 CHEEMAISAMY
2 MUNEESWARAN

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.493/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.BANUMATHY Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

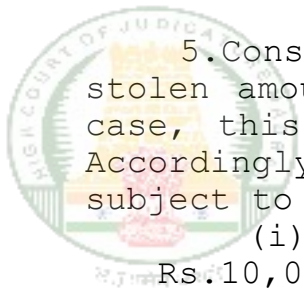
ORDER : The Court Made the following order :-

The petitioners / A1 and A2, who were arrested on 17.07.2017 for the offences punishable under Section 397 IPC in Crime No.493 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that while the de facto complainant was travelling in a two wheeler, the petitioners along with other accused waylaid him and taken away a sum of Rs.25,000/- forcibly and ran away from the scene of occurrence in a car.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to previous enmity, the petitioners have been implicated in this case.

4.The learned Additional Public Prosecutor submitted that FIR was registered against 3 named and 2 unnamed accused and the petitioners are named accused ie. A1 and A2. He also submitted that A3 was arrested and A4 & A5 are still absconding and stolen amount of Rs.25,000/- was recovered from A1 and car was seized by the respondent Police. He further submitted that A1 is having one previous case in Crime No.94 of 2015 under Sections 452, 147, 148, 367, 368, 506(ii) IPC r/w 120(b) IPC and investigation is still pending.



5. Considering the facts and circumstances of the case and stolen amount was recovered from A1 and he is having one previous case, this Court is inclined to grant bail to the 2nd petitioner. Accordingly, the 2nd petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Sivakasi, Virudhunagar District;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.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].

[vi] This Criminal Original petition is dismissed as against the 1st petitioner is concerned.

sd/-

09/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.
- 3 OFFICER IN CHARGE, DISTRICT JAIL, VIRUDHUNGAR.
- 4 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.BANUMATHY Advocate SR.No.28388

ORDER

IN

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Date :09/08/2017