



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

Thursday, the Seventeenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10817 of 2017

S.MUTHUPANDI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE

THALLAKULAM POLICE STATION, MADURAI DISTRICT,
IN CRIME NO.1337/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SHEIK ABDULLAH Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

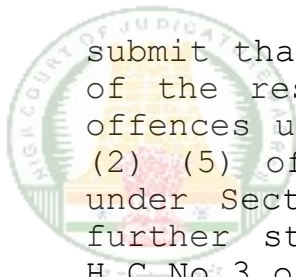
ORDER : The Court Made the following order :-

The petitioner / Sole accused, who was arrested and remanded to judicial custody on 06.07.2017 for the offences punishable under Sections 392, 397 and 506(ii) of IPC in Crime No.1337 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have committed robbery of Rs.400/- from the de facto complainant at the knife point.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further state that the petitioner was falsely implicated for the offence under Section 302 of IPC in the year 2014 along with four others and the said case is pending before the V Additional District Court, Madurai in S.C.No.350 of 2015 and the petitioner is also facing trial in the said case. He would further state that the petitioner has some other case and hence, opened the history sheet. Thereafter, the present case is foisted against the petitioner with the help of one stock de facto complainant and he has not committed any offence whatsoever, except some put up cases.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that the petitioner herein is the sole accused in this case and he is he said to have robbed a sum of Rs.400/- from the bag of the de facto complainant at the knife point and threatened the public by showing the knife and a sum of Rs.200/- was recovered from the petitioner. He would further



submit that the petitioner is having two previous cases on the file of the respondent police viz., (i) Crime No.27 of 2014 for the offences under Sections 147, 148, 149, 341, 302 of IPC and Section 3(2) (5) of SC/ST Act (ii) Crime No.85 of 2014, for the offences under Sections 392 r/w. 397 of IPC and 506(ii) of IPC. He would further state that the petitioner is a history sheeted rowdy in H.C.No.3 of 2014 and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the previous cases have been registered in the year 2014 and that the petitioner is in judicial custody from 06.07.2017, 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 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 No.II, Madurai.

(ii) the petitioner shall appear before the learned Judicial Magistrate No.III, Madurai, daily at 10.30 am 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].

sd/-

17/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
 - 2 THE JUDICIAL MAGISTRATE NO.III, MADURAI.
 - 3 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 5 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SHEIK ABDULLAH Advocate SR.No.28802

ORDER IN

CRL OP(MD) No.10817 of 2017

Date : 17/08/2017