



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

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10925 of 2017

SUNDARRAJ @ RAJA

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
K.PUDUPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.103 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.G.ARUN KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

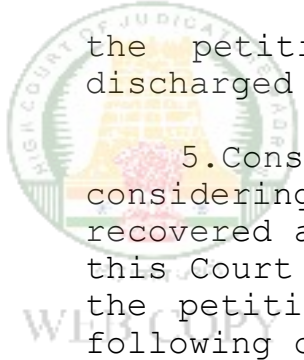
ORDER : The Court Made the following order :-

The petitioner / A5 who was arrested on 22.06.2017 for the offences punishable under Sections 341 and 397 of IPC in Crime No.103 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de facto complainant and his son are running a jewelry shop and on the date of occurrence, after closing their shop, when the son of the de facto complainant was going in a two wheeler at that time, the petitioner along with other accused intercepted him and robbed 449 kgs of gold jewels, 2 kgs of silver and a sum of Rs.10,000/- and also attacked him and thereby caused injury.

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.

4.The learned Additional Public Prosecutor submitted that totally there are 8 accused and the petitioner is arrayed as A5 in this case. He also submitted that all the accused were arrested and remanded to judicial custody and A6 was enlarged on bail by this Court in Crl.O.P.(MD)No.10186 of 2017 on 03.08.2017. He further submitted that the entire properties and two wheeler were recovered from A1 and A2. He also submitted the petitioner herein has followed the son of the de facto complainant in a two wheeler and waylaid him and no similar type of previous case is pending against



the petitioner. He also submitted that injured person was discharged from the hospital and investigation is still pending.

5. Considering the facts and circumstances of the case and considering the fact that the properties and two wheeler were recovered and the period of incarceration of the petitioner in jail, 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 Court, Thirumayam, Pudukkottai District.

(ii) the petitioner is directed to appear before the concerned Court 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].

sd/-

18/08/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 OFFICER IN CHARGE, SUB JAIL, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION, PUDUKKOTTAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.G.ARUN KUMAR Advocate SR.No.29042

ORDER IN

CRL OP(MD) No.10925 of 2017

Date :18/08/2017