



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

Tuesday, the Twenty Second day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11012 of 2017

CHEEMAIASAMY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 493 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.BANUMATHY Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

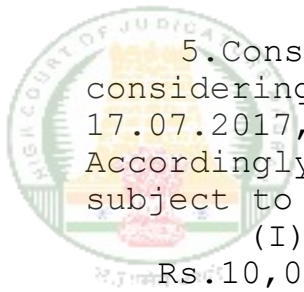
ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody on 17.07.2017 for the offence punishable under Section 397 of IPC in Crime No.493 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the de facto complainant was travelling in Two Wheeler, the petitioner along with other accused waylaid him and taken away a sum of Rs.25,000/- and run away from the scene of occurrence.

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. He would further state that due to previous enmity, the petitioner's name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that the FIR was registered against 3 named accused and 2 un named accused. He would further state that both the A1 and A2 moved the bail petition in Crl.O.P (MD).No.10479 of 2017 before this Court and the same same was dismissed in respect of the petitioner herein / A1, as per order dated 09.08.2017. The respondent Police has also seized knife, one car and the said amount of Rs.25,000/- from A1. He further contended that the petitioner is not having a similar type of offence, but, he is having one previous case in Crime No.94 of 2015 for the offences under Sections 452,147,148,367,368, 506(ii) of IPC r/w. 120(b) of IPC and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact the petitioner is in judicial custody from 17.07.2017, 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, Sivakasi, Virudhunagar District.

(ii) the petitioner shall appear before the respondent Police 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/-

22/08/2017

/ 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 AT SRIVILLIPUTHUR.
- 3 OFFICER IN CHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.BANUMATHY Advocate SR.No.29049

ORDER

IN

CRL OP(MD) No.11012 of 2017

Date :22/08/2017