



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

Thursday, the Thirty First day of August Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.11517 of 2017

WEB COPY

1 PRABHU
2 BASTIN VIJAY
3 KARTHICK

... PETITIONER/A1 to A3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.691 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUTHUKUMAR 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 :-

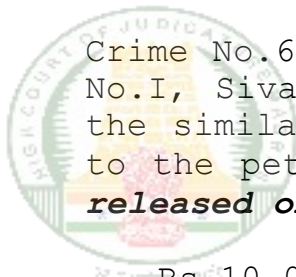
The petitioners / A1 to A3, who were arrested on 18.08.2017 for the offences punishable under Sections 294(b), 341, 392, 397, 506 (ii) of IPC r/w 3 TNPPDL Act in Crime No.691 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that while the de facto complainant was driving the car, the petitioners intercepted the said car and A1 is said to have place a knife on the neck of de facto complainant's son and A2 is said to have put a knife on the waist of the de facto complainant and they have robbed a sum of Rs.1,000/-. A1 & A2 have damaged the mirror of the vehicle worth about Rs.2,000/-.

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 there was a dispute in respect of parking the vehicle between the parties and a wordy quarrel arose and unfortunately the mirror of the de facto complainant's vehicle was damaged worth about Rs.2,000/-. The learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.2,000/- to the credit of Crime No.691 of 2017 on the file of the learned Judicial Magistrate No.I, Sivagangai without prejudice to the contention in this case.

4.The learned Additional Public Prosecutor would submit on instructions that totally there are 3 accused, who are the petitioners. He further submitted that the amount is not yet recovered and the petitioners have not any similar type of previous case and the investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.2,000/- to the credit of



Crime No.691 of 2017 on the file of the learned Judicial Magistrate No.I, Sivagangai and the petitioners have not any previous case on the similar type of offences, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i)the petitioners 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 learned Judicial Magistrate No.I, Sivagangai

(ii)the petitioners are directed to appear before learned Judicial Magistrate No.I, Sivagangai daily at 10.30 a.m. until further orders;

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)the petitioner is directed to deposit a sum of Rs.2,000/- to the credit of Crime No.691 of 2017 on the file of the learned Judicial Magistrate No.I, Sivagangai without prejudice to the contention of this case.

sd/-

31/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER-IN-CHARGE, SUB JAIL, SIVAGANGAI.

+1. CC to M/S.S.MUTHUKUMAR Advocate SR.No.29655

GNS

CSL/RR-BS/SAR-I/01.09.2017 : 2P/7C

ORDER

IN

CRL OP(MD) No.11517 of 2017

Date : 31/08/2017