



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

Friday, the Tenth day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP (MD) No.1159 of 2017

MANIKANDAN

... PETITIONER/ACCUSED-2

Vs

STATE REP.BY
INSPECTOR OF POLICE
KADAYAM POLICE STATION, TENKASI TALUK,
TIRUNELVELI DISTRICT,
(CRIME NO.401/15)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate

For Respondent :Mr.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

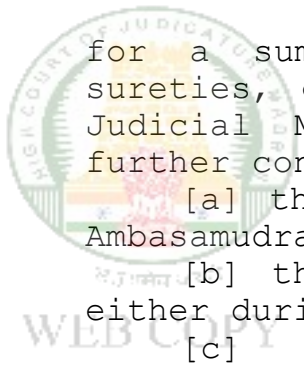
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 397, 506(ii) IPC @ 392, 397, 506(ii) r/w Section 34 of IPC in Crime No.401 of 2015, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent/State.

3.The learned counsel for the petitioner states that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl. Side) appearing for the respondents states that there are totally two accused in this case. The petitioner herein is A2 and A1 was arrested and released on bail and he is appearing before the Sub Court, Ambasamudram in S.C.No.88 of 2017. The gold chain was also recovered from the petitioner herein. The petitioner is having several criminal cases for the similar nature of this case pending in different police stations, which are pending for trial stage. The petitioner was arrested on 04.06.2016 and he is in custody.

5.Considering the above facts and circumstances of the case, and also the fact that charge sheet was laid and pending in S.C.No.88 of 2017 on the file of Sub Court, Ambasamudram and the petitioner is in incarceration from 04.06.2016, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Ambasamudram, Tirunelveli District and on further condition that:

[a] the petitioner shall appear before the learned Sub Court, Ambasamudram daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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].

(e) The Inspector of police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
10/02/2017

/ TRUE COPY /

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

TO

1. JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2. DO-THROUGH CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. INSPECTOR OF POLICE,
KADAYAM POLICE STATION, TENKASI TALUK,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S. MOORTHY Advocate SR.No.7445

MS/PN/SAR1/10.2.2017/7C

ORDER
IN
CRL OP (MD) No.1159 of 2017
Date : 10/02/2017