



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

Friday, the First day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11606 of 2017

THANUS @ THANUSKODI

... PETITIONER/ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KODAKOVIL POLICE STATION,
MADURAI DISTRICT,
CR.NO.100/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MUTHUSAMUNDEESWARAN, 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 :-

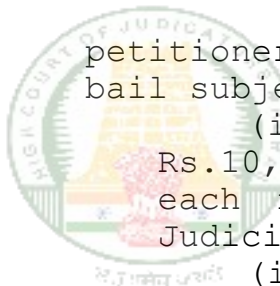
The petitioner / A1 who was arrested on 30.05.2017 for the offences punishable under Sections 147, 148, 323, 307, 379 (NP) and 109 of IPC in Crime No.100 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused robbed Rs.30,000/- and taken away the house hold articles namely, TV, home theatre and cellphone by tieing the hands of the de facto complainant and also attacked with aruval on his leg and back of the de facto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner is no way connected with alleged offence.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that 1 named and 3 unnamed accused in this case and the petitioner herein is arrayed as A1. He further submitted that earlier bail petition moved on behalf of petitioner and other accused in CrI.O.P.(MD)No.10516 of 2017 was dismissed by this Court on 16.08.2017 in respect of this petitioner herein. He further contended that this petition is filed for second time by this petitioner on the same set of facts and there is no change of circumstances after dismissal of the earlier bail petition and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in prison from 05.07.2017 onwards, 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 learned Judicial Magistrate, Tirumangalam.

(ii) the petitioner is directed to appear before the respondent police 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/-

01/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.V.MUTHUSAMUNDEESWARAN Advocate SR.No.29722

ORDER IN
CRL OP(MD) No.11606 of 2017
Date :01/09/2017

MS/PN/SAR.1/01.09.2017/2P.7C