



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

Thursday, the Seventh day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11869 of 2017

GOKUL

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.
CRIME NO.706/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ 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 / A2 who was arrested on 14.08.2017 for the offences punishable under Section 392 of IPC in Crime No.706 of 2017 on the file of the respondent police, seeks bail.

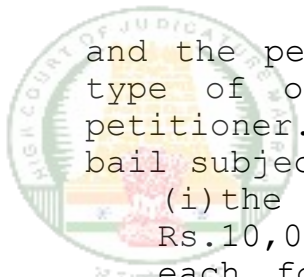
2.The case of the prosecution is that the accused are said to have waylaid the de facto complainant at the knife point, threatened the de facto complainant and have taken away a sum of Rs.420/- from the pocket of the de facto complainant.

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. He would further submit that the allegation against the petitioner is false, frivolous and vexatious. In fact the de facto complainant and the petitioner are friends and due to some misunderstanding between them, the de facto complainant lodged false complaint before the respondent Police and the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit on instructions that totally there are 2 accused in this case and the petitioner herein is arrayed as A2. He further submitted that both accused were arrested and remanded to the custody on 14.08.2017 and they are in judicial custody. He also submitted that the accused are named in the FIR itself and a sum of Rs.200/- were recovered from A1 in this case and petitioner is not having any previous case on the similar type of offence and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and considering the fact that a sum of Rs.200/- were recovered from A1



and the petitioner is not having any previous case on the similar type of offence, 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 No.I, Karur.

(ii) the petitioner is directed to appear before the learned Judicial Magistrate No.I, Karur 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/-

07/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.30256

ORDER

IN

CRL OP(MD) No.11869 of 2017

Date : 07/09/2017