



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

Tuesday, the Seventh day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1320 of 2017

1 BALA @ BALAMURUGAN

2 SUNDAR ... PETITIONERS / ACCUSED No.20&21

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION, ILAYANGUDI,
SIVAGANGAI DISTRICT, CRIME NO. 367/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SIVASUBRAMANIAN Advocate

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

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

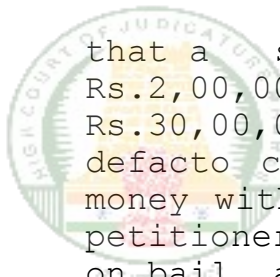
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 03.01.2017, for the offences punishable under Sections 395 and 397 of IPC and altered into Sections 395, 397, 212 and 120 (b) of IPC., and Section 3 of TNPPDL Act r/w Section 34 of IPC., in Crime No.367 of 2016, seek bail.

2. The case of the prosecution is that all the accused insisted the defacto complainant to bring new currency notes to be exchanged with old currency with 15% commission and the total amount involved is Rs.30,00,000/- and the accused persons robbed the said amount from the defacto complainant and also caused damage to the vehicle.

3. The learned counsel for the petitioners states that the petitioners were arrested and remanded to judicial custody on 03.01.2017 and the petitioners herein are unnamed in the FIR and arrayed as accused on the confession of co-accused. The petitioners are innocent and they were wrongly arrayed as accused in this case and no recovery is made from the petitioners herein.

4. The learned Government Advocate (Crl.side) appearing for the respondent states that there are totally 7 named accused in this case and 22 accused were arrested so far and the petitioners are shown as A20 and A16 respectively, as per the alteration report filed, on the confession of co-accused /A2. He would further submit



that a sum of Rs.3,10,000/- was recovered from A1 and a sum of Rs.2,00,000/- was recovered from A2, on confession, out of Rs.30,00,000/-, which was said to be illegally taken away from the defacto complainant. He would further submit that no sharing of money with the petitioners herein and no recovery is made from the petitioners. He would further submit that co-accused were released on bail and the investigation is almost over in this case.

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5. Considering the above facts and circumstances of the case and also considering the fact that no sharing of money or recovery through the petitioners herein and the investigation is almost completed in this case, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to following conditions:-

(a) The petitioners shall execute a separate 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, Ilayangudi.

(b) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders, for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 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]**

sd/-

07/02/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, ILAYANGUDI.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE ILAYANGUDI POLICE STATION, ILAYANGUDI, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVASUBRAMANIAN Advocate SR.No.6629

ORDER IN

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Date :07/02/2017