



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

Thursday, the Ninth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1445 of 2017

PECHIMUTHU

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
(CRIME NO.135 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KARTHICK SUBRAMANIAN Advocate

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

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

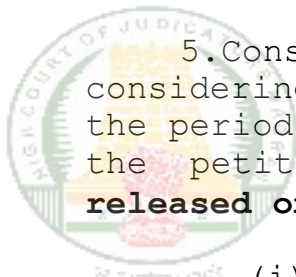
ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 17.11.2015 for the offences punishable under Sections 457 and 380 IPC in S.C.No.29 of 2016 on the file of the Fast Mahila Court (Sessions Judge), Nagercoil, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused break opened the house of the de facto complainant and stolen two gold chains worth about Rs.1,50,000/-.

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 also submitted that formal arrest was made against the petitioner in this case on 17.11.2015 while he was in prison in connection with the case in Crime No.357 of 2015 on the file of the Eraniel Police Station, which was ended in acquittal after bail.

4.The learned Government Advocate(Crl. Side) submitted that initially FIR was registered against unknown persons and after investigation final report was filed in S.C.No.29 of 2016 before the Fast Track Mahila Court (Sessions Judge), Nagercoil. He also submitted that co accused was enlarged on bail.



5. Considering the facts and circumstances of the case and considering the fact that case is pending in S.C.No.29 of 2016 and the period of incarceration, 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 Fast Mahila Court (Sessions Judge), Nagercoil.

(ii) the petitioner is directed to appear before the Fast Mahila Court (Sessions Judge), Nagercoil 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/-

09/02/2017

/ TRUE COPY /

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

TO

1 THE FAST TRACK MAHILA COURT (SESSIONS JUDGE),
NAGERCOIL, KANYAKUMARI DISTRICT.

2 THE OFFICER-IN-CHARGE,
CENTRAL PRISION, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.7369

ORDER

IN

CRL OP(MD) No.1445 of 2017

Date : 09/02/2017