



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.1457 of 2017

NAGARAJ @ KAKKA NAGARAJ

... PETITIONER / 5th ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION (L&O),
MADURAI CITY.
(CRIME NO. 638 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MANIKANDAN Advocate

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

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

ORDER : The Court Made the following order :-

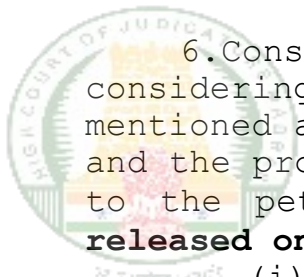
The petitioner / A5, who was arrested on 28.01.2017 for the offences punishable under Section 392 IPC @ 394 IPC @ 395 r/w 397 IPC in Crime No.638 of 2015 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused robbed two wheeler 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 further submitted that the de facto complainant lodged the complaint stating that by showing knife, two persons robbed his vehicle and the case is registered in the year 2015 and that for the post two years the respondent did not take any action in this case. He also submitted that since the petitioner and others actively participated in the Jallikattu protest, the respondent Police arrested the petitioner and others and foisted this case.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 5 accused and the vehicle was recovered in this case.

5.It is seen that the case was registered in the year 2015 and the petitioner was arrested on 28.01.2017 and the complaint reveals the fact that only two persons involved in the occurrence.



6.Considering the facts and circumstances of the case and considering the fact that in the complaint only two persons were mentioned as accused and thereafter, 5 accused were shown as accused and the property was recovered, 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 Judicial Magistrate No.VI, Madurai;

(ii)the petitioner is directed to appear before the Judicial Magistrate No.VI, Madurai 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 JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER-IN-CHARGE,
CENTRAL PRISON. MADURAI.
- 4 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION (L&O),
MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MANIKANDAN Advocate SR.No.7203

ORDER

IN

CRL OP(MD) No.1457 of 2017

Date :09/02/2017