



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

Monday, the Thirteenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1564 of 2017

P.MADASAMY @ MAGESH

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY ,

THE INSPECTOR OF POLICE

PALAYAMKOTTAI CRIME BRANCH POLICE STATION,

TIRUNELVELI DISTRICT.

CRIME NO.1246 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

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

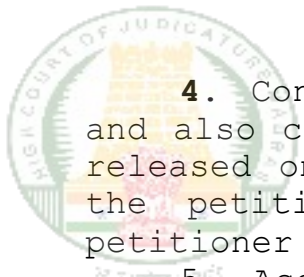
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.01.2017, for the offences punishable under Sections 294(b), 341, 342, 364(A), 395 and 506(ii) of IPC., in Crime No.1246 of 2016, on the file of the respondent Police, seeks bail.

2. The learned counsel appearing for the petitioner states that the name of the petitioner is not mentioned in the FIR. The petitioner is an innocent person and without conducting proper investigation, the respondent Police implicated the petitioner as accused and arrested him. He also submitted that the defacto complainant and the petitioner are well known to each other and the petitioner has not involved any such offence, as alleged in the FIR.

3. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally five accused in this case and the petitioner herein is A3. FIR has been registered against the unnamed accused and during investigation A1 to A3 were arrested and on confession by A3, who is the petitioner herein, a sum of Rs.17,000/- out of Rs.80,000/- was recovered in this case and no amount was recovered from A1 and A2 in this case. A1 and A2 were released on bail by this Court, as per the order in Crl.O.P(MD) No.761 of 2017, dated 25.01.2017. He also submitted that A4 and A5 are still absconding and the investigation is pending.



4. Considering the above facts and circumstances of the case and also considering the fact that the co-accused had already been released on bail by this Court and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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.1, Tirunelveli, and on further condition that:

[a] the petitioner shall report before respondent Police, daily at 10.30 a.m., until further orders, for interrogation

[b] the petitioner shall not tamper with evidence or witness either during trial or investigation.

[c] the petitioner shall not abscond either during trial or investigation.

[d] On breach of any of the aforesaid conditions, the learned 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 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/-

13/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PALAYAMKOTTAI CRIME BRANCH POLICE STATION, TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.7833

ORDER

IN

CRL OP(MD) No.1564 of 2017

Date :13/02/2017