



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

Tuesday, the Fifth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL OP(MD) No.16262 of 2017

A.M.S. NATARAJAN

... PETITIONER / ACCUSED 1

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI.
CRIME NO.4/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KATHIRVELU, Senior Counsel for
M/S.K.APPADURAI, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN,
Additional Public Prosecutor

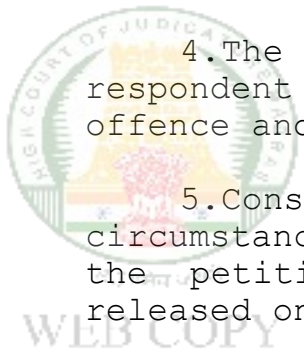
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / first accused, who was arrested on 09.11.2017 and remanded to judicial custody on 10.11.2017 for the offences punishable under Sections 120(b), 147, 148, 448, 379(NP), 294(b), 506(ii) of IPC., and Section 3(1) of T.N.P.P.D.L. Act in Crime No.4 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant who is the tenant of the petitioner herein, is carrying on lorry service office in the ground floor. On 2.10.2017, when the defacto complainant went to Madurai along with his wife, the petitioner along with other accused are said to have opened the lorry service office, trespassed into the same and caused damages to the house, household articles, jewels and Rs.20,000/- cash from the office and a sum of Rs.18,000/- from the home. It is further alleged that the petitioner has armed with crow bar and attempted to stab the brother of the defacto complainant and threatened him.

3. It is stated that the petitioner who is the first accused was arrested on 09.11.2017 and that he is under custody for more than 25 days. It is further stated that the custodial interrogation was also completed and no further investigation may be required. Hence, the learned counsel for the petitioner submitted that the petitioner may be released on bail subject to conditions.



4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has committed serious offence and he opposed for granting bail.

5.Considering the nature of allegations and the facts and circumstances of this case, 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, Theni.

(ii) the petitioner shall appear before the respondent police as and when required;

(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/-
05/12/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.APPADURAI Advocate SR.No.35628

ORDER
IN
CRL OP(MD) No.16262 of 2017
Date :05/12/2017

MS/CM-VR/SAR.4/06.12.2017/2P.7C