



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

Monday, the Twentieth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1833 of 2017

MANOHARAN

... PETITIONER/ACCUSED-3

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
TOWN POLICE STATION,
SIVAGANGAI,
CRIME NO.71/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. V.S.KUMARAGURU Advocate

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

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

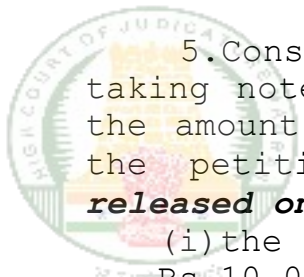
ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested and remanded on 02.02.2017 for the offences punishable under Sections 392, 397 and 506(ii) IPC in Crime No.71 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the de facto complainant and robbed Rs.2,000/- by showing knife.

3.The learned counsel for the petitioner would submit that on 02.02.2017 after attending a marriage, while the petitioner was returning to home, the respondent Police called him for general verification and thereafter, arrested with the other accused and foisted the present case. He also submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 3 named accused and the petitioner is arrayed as A3 in this case and the alleged overt act attributed against this petitioner is that he threatened the de facto complainant by showing knife at the time of occurrence. He also submitted that coaccused were enlarged on bail and amount was recovered and investigation is pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that co accused were enlarged on bail and the amount 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.I, Sivagangai District;

(ii)the petitioner is directed to appear before the Judicial Magistrate No.1, Sivagangai, 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/-

20/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE
TOWN POLICE STATION, SIVAGANGAI.

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

5 THE OFFICER IN CHARGE, SUB JAIL, SIVAGANGAI.

+1. CC to M/S. V.S.KUMARAGURU Advocate SR.No.9138

ORDER

IN

CRL OP(MD) No.1833 of 2017

Date :20/02/2017

NBJ

CSL/PM/SAR-III/20.02.2017 : 2P/7C

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