



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the First day of March Two Thousand Seventeen
PRESENT

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

WEB COPY

CRL OP (MD) Nos.2171,2174 and 2175 of 2017

1 SANTHOSHKUMAR

2 SENTHILKUMAR

... PETITIONERS/ACCUSED NO.2,3 IN CRL OP
(MD).2171/2017

VS

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

(CRIME NO.341 OF 2016)

... RESPONDENT/ COMPLAINANT IN CRL OP
(MD).2171/2017

1 SANTHOSHKUMAR

2 SENTHILKUMAR

... PETITIONER/ACCUSED NO.2,3 IN CRL OP
(MD).2174/2017

VS

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

(CR.NO.358 OF 2016)

... RESPONDENT/COMPLAINANT IN CRL OP
(MD).2174/2017

VS

1 SANTHOSHKUMAR

2 SENTHILKUMAR

... PETITIONER/ACCUSED NO.2,3 IN CRL OP
(MD).2175/2017

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

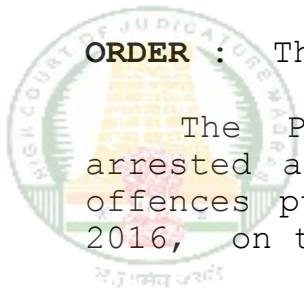
(CR.NO.4 OF 2017)

... RESPONDENT/COMPLAINANT IN CRL OP
(MD).2175/2017

For Petitioner : M/S.A.ROBINSON Advocate In all the Petitions.

For Respondent : MR.P.KANDASAMY, Government Advocate(Crl.Side) In
all the Respondents.

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



ORDER : The Court Made the following order :-

The Petitioners in CrI.O.P(MD)Nos.2171 of 2017, who were arrested and remanded to judicial custody on 06.01.2017, for the offences punishable under Section 379 of IPC., in Crime No.341 of 2016, on the file of the respondent Police, seek bail.

2. The Petitioners in CrI.O.P(MD)Nos.2174 of 2017, who were arrested and remanded to judicial custody on 06.01.2017, for the offences punishable under Section 379 of IPC., in Crime No.358 of 2016, on the file of the respondent Police, seek bail.

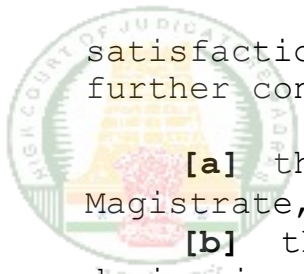
3. The Petitioners in CrI.O.P(MD)Nos.2175 of 2017, who were arrested and remanded to judicial custody on 06.01.2017, for the offences punishable under Sections 379 and 511 of IPC., in Crime No.4 of 2017, on the file of the respondent Police, seek bail.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are no way connected with the offence and they have been implicated falsely in this case.

5. The learned Government Advocate (crl.side) appearing for the respondent submitted that the petitioners in Crime No.341 of 2016 and Crime No.4 of 2017 are arrayed as A2 and A3 respectively. There are are totally three accused in all the crime numbers. The FIR in Crime No.341 of 2016 and Crime No.358 of 2016 are registered against the unnamed accused. All the three accused were arrested on 06.01.2017, in Crime No.4 of 2017, when they were caught hold by the complainant and others red-handedly and handed over to the respondent Police and a sum of Rs.29,000/- was recovered from A1 and on his confession, A2 and A3 were implicated as accused, who are the petitioners in Crime No.341 of 2017 and Crime No.358 of 2016 and they were arrested in the above crime numbers also. The petitioners are in custody from 06.01.2017 onwards. As per the FIR in Crime No.4 of 2017, all the three accused are attempting to take away the bag from the car and they were caught hold red-handedly by the complainant and others and handed over to the respondent Police. He also submitted that investigation is still pending. It is admitted that no articles or amount were recovered from the petitioners herein. As per the confession given by A1 in Crime No.4 of 2017, all the accused are arrayed in Crime No.341 of 2016 and Crime No.358 of 2016. He would further state that except these three cases, the petitioners have no other previous cases.

6. Considering the above facts and circumstances of the case and also considering the fact that no amount or the alleged stolen articles were recovered from the petitioners herein, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand Only) each with two sureties, each for a like sum to the



satisfaction of the learned Judicial Magistrate, Thiruchendur and on further condition that:

[a] the petitioners shall report before the learned Judicial Magistrate, Thiruchendur, daily at 10.00 a.m., until further orders.

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

[c] the petitioners 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 petitioners 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/-
01/03/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5 THE OFFICER INCHARGE DISTRICT JAIL AT SRIVAİKUNDAM,
TUTICORIN DISTRICT.

+3. CC to M/S.A.ROBINSON Advocate SR.No.11533,11532,11531

ORDER IN
CRL OP(MD) No.2171,2174 AND 2175 of 2017
Date :01/03/2017

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