



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

Monday, the Tenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.4153 of 2017

M.ARUMUGARAJ

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.27/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.P.NARAYANA KUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

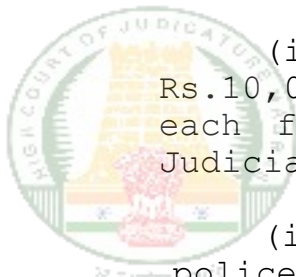
ORDER : The Court Made the following order :-

The petitioner/accused No,3, was arrested and remanded to judicial custody on 10.02.2017 for the offences punishable under Sections 394 of IPC altered into 397 of IPC, in Crime No.27 of 2017, on the file of the respondent police, seeks bail.

2. This petitioner being detained in judicial custody in Cr.No.27 of 2017 on 10.02.2017 based on the complaint given by one Backiaprakash to the respondent police on 02.02.2017. The gist of the FIR is that on 01.02.2017 at about 11.30 p.m., when the defacto complainant was returning to his home, two persons waylaid him and relieved from him Rs.16,000/- and two cell phones. This petitioner was later arrested by the police based on the confession given by A1. Though the FIR shows only two persons way laid him, the police has arrested 6 persons.

3.The learned Government Advocate (Crl.side) submits that out of Rs.16,000/- and two cell phones robbed from the defacto complainant, one cell phone and Rs.8,000/- was recovered from the first accused.

4.Taking note of the complaint and the material evidence collected so far by the police, this Court is of the opinion that the alleged presence of the petitioner in the scene of crime is highly doubtful. 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 No.III, Tirunelveli;

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders and co-operate with the investigation;

(iii) The petitioner shall not abscond either during investigation or trial;

(iv) 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.

sd/-

10/04/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

5 THE OFFICE INCHARGER,
BORSTAL SCHOOL, NANGUNERI

+1. CC to Mr.K.P.NARAYANA KUMAR Advocate SR.No.19803

JAM/11.04.17/CM-MSA/SAR 4/ 2P-7C

ORDER

IN

CRL OP(MD) No.4153 of 2017

Date :10/04/2017