



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

Friday, the Twenty First day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9448 of 2017

S.MUTHUVEL

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
CR NO. 859/2017
MADURAI DIST

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

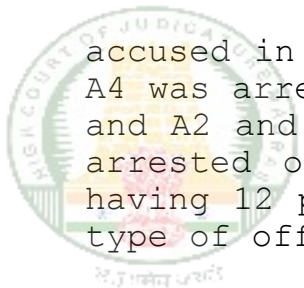
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.05.2017, for the offences punishable under Sections 392 read with 397 and 506(ii) of IPC, in Crime No.859 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de facto complainant is working in Vishal-D-Mall at Madurai. On 17.05.2017, at about 12.00 p.m., as usually he went to the work. When he reached near Sonaiyar Kovil Street, the petitioner as well as the other accused waylaid and robbed Rs.2,000/- from his pocket with knife point and ran away from the alleged occurrence place. A2 and A3 are said to have caught hold of the de facto complainant during occurrence and A4 is said to have put knife on the neck of the de facto complainant and the petitioner herein is said to have taken away Rs.2,000/- from the pocket of the de facto complainant.

3.The learned counsel appearing for the petitioner states that the petitioner is not having any bad antecedents and the respondent Police after arrest had forcibly got confession from the petitioner and he was impleaded in five other cases. In all the five other cases, the petitioner obtained bail. The learned counsel appearing for the petitioner requests this Court to grant bail in favour of the petitioner herein, by imposing stringent conditions, since he obtained bail in other cases and this is a put up case foisted by the respondent Police.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 4



accused in this case and the petitioner herein is arrayed as A1 and A4 was arrested and released on bail by the concerned Sessions Court and A2 and A3 were arrested and are in custody. The petitioner was arrested on 18.05.2017 and he is in custody. The petitioner is having 12 previous cases and also more than 5 cases for the similar type of offences. Investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is having 5 similar cases for the similar type of offences and he is in custody from 18.05.2017 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. 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.II, Madurai and on further condition that:

[a] the petitioner shall stay at Tirunelveli and report before the learned Judicial Magistrate No.I, Tirunelveli, daily twice at 10.30 a.m. and 05.30 p.m. in all working days, until further orders.

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

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

[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/-

21/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
 - 2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
 - 3 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 4 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
 - 6 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI DISTRICT.
 - 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SUBASH BABU Advocate SR.No.27047

ORDER IN

CRL OP(MD) No.9448 of 2017

Date :21/07/2017