



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

Tuesday, the Tenth day of January Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.24007 of 2016

PREM KUMAR,

... PETITIONER/ACCUSED No.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.345 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RM ARUN SWAMINATHAN, 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, who was arrested and remanded to judicial custody on 02.12.2016 for the offences punishable under Section 392 altered into Section 395 IPC in Crime No.345 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent.

3.The case of the prosecution is that the petitioner along with other accused committed robbery of a gold chain belongs to the defacto complainant.

4.The learned counsel for the petitioner would submit that the petitioner in this case is A5 and he was arrested and in judicial custody from 02.12.2016.

5.The learned Government Advocate(Crl. Side) on instructions would submit that there are totally five accused in this case and A1 to A5 were arrested and they are in custody and the petitioner in this case is A5. He would further submit that the property was recovered from A1 and A4 and as per confession given by A1 only, the petition is implicated in this case.



6. Considering the above facts and circumstances of the case and also considering the fact that the property was recovered from other accused, this Court is inclined to grant bail to the petitioner. 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, Srivaigundam and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m., 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/-

10/01/2017

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

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIGUNDAM

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, SRIVAIGUNDAM.

5 THE INSPECTOR OF POLICE,
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

+1. CC to M/S.R.M.ARUN SWAMINATHAN, Advocate SR.No.1896

ORDER

IN

CRL OP(MD) No.24007 of 2016

Date :10/01/2017