



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

Tuesday, the Tenth day of January Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL OP(MD) No.24129 of 2016

SELVARAJ

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
RAMJI NAGAR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.14/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA, Advocate

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

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

ORDER : The Court Made the following order :-

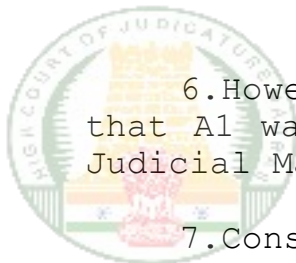
The petitioner, who was arrested and remanded to judicial custody on 17.11.2016 for the offences punishable under Sections 457 and 380 of Indian Penal Code in Crime No.14 of 2016 on the file of the respondent police, seeks bail.

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 theft of Amplifier, Mike set, CD Player and Hundian money.

4.The learned counsel for the petitioner has filed additional set of documents and would submit that the petitioner was illegally taken to Jearpuram Police station in connection with murder case and he was brutally attacked by the police and after enquiry, the police came to know that the petitioner has no role in the said murder and because of the injury caused upon the petitioner, the present case is foisted against him. It is further stated that the petitioner obtained bail in previous cases also.

5.The learned Government Advocate(Crl. Side) on instructions would submit that the properties were recovered from the accused and that there is no instruction regarding A1 in this case.



6.However, the learned counsel for the petitioner would submit that A1 was already arrested and released on bail by the concerned Judicial Magistrate.

7.Considering the above facts and circumstances of the case and also considering the fact that the petitioner was released in previous cases and the period of incarceration in jail, 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 No.III, Thiruchirappalli 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

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY

3 THE INSPECTOR OF POLICE, RAMJI NAGAR POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.P.T.RAMESH RAJA, Advocate SR.No.1913.

ORDER IN

CRL OP(MD) No.24129 of 2016

Date :10/01/2017

msm-mpa/sar1/09.01.17/p2/7c