



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1560 of 2018

IYYAPPAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION CRIME POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.563/2017

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.P.R.PRITHIVIRAJ Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

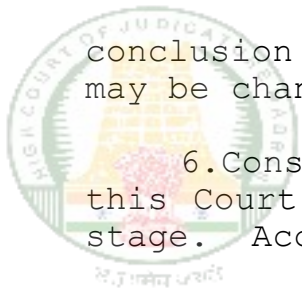
The petitioner / A3, who was arrested on 15.11.2017 for the offence punishable under Section 394 IPC in Crime No.563 of 2017, seeks bail.

2.The case of the prosecution is that the petitioner herein entered into the de facto complainant's house and assaulted her and stolen away 30 sovereigns of gold jewels from her house.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 15.11.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that the stolen property was not yet recovered and the other accused involved in this case are not yet arrested. According to him investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. The petitioner herein is in judicial custody from 15.11.2017 onwards. The learned Government Advocate (Crl.side) fairly conceded that stolen property was not yet recovered through this petitioner. Further, the other 2 accused involved in this case are not yet arrested by the respondent Police. Hence, considering the above said aspects, this Court came to the



conclusion that if this type of accused is released on bail, there may be chance to tamper the witnesses and hamper the investigation.

6. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

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01/02/2018

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

TO

1. THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION CRIME POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1560 of 2018
Date : 01/02/2018

MS/CM-VR/SAR.2/07.02.2018/2P.4C