



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2237 of 2018

P.SUDARSAN

... PETITIONER / ACCUSED RANK NOT KNOWN
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
(CRIME NO.760 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM, 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, who was arrested on 26.12.2017 for the offence punishable under Sections 394 r/w 397 IPC in Crime No.760 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 12.12.2017, while the de facto complainant was in her house, two unknown persons came into the house and tied her hands with chair. Thereafter, the accused persons looted away 153 sovereigns of gold jewells. Subsequently, they assaulted the de facto complainant and caused injury to her and thereafter, the accused persons escaped from the scene of occurrence. Hence, the present case has been registered.

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 26.12.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that the stolen properties were recovered. He further submitted that the other accused persons in this case were released on bail and the petitioner herein is not having any previous case. According to him, investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and 6 other accused persons entered into the de facto complainant's house and committed the theft of 153 sovereigns of gold jewells. The petitioner is in judicial custody from 26.12.2017 onwards. According to the submission of the learned Government Advocate (Crl.side), the other accused persons in this



case were released on bail. Further, he conceded that the petitioner is the first offender. Since the entire properties, which were stolen away during the time occurrence, were recovered, further custodial interrogation may not be necessary for completing the investigation.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tirunelveli, Tirunelveli District;

(ii) the petitioner is directed to appear before the respondent police daily morning at 10.00 a.m. and evening at 05.00 p.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

13/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUENELVELI, TIRUENELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUENELVELI DISTRICT.
3. THE OFFICER INCHARGE, JUVENILE HOME AT NANGUNERI, TIRUENELVELI DISTRICT.
4. THE INSPECTOR OF POLICE, TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.2383

ORDER IN

CRL OP(MD) No.2237 of 2018

Date :13/02/2018