



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2619 of 2018

1 GANGARAM
2 BHIM RAO
3 RAMESH KALARAMTHORAT
4 MOHAN BEEMRAO DUKALE

... PETITIONERS/ ACCUSED 1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANNANAGAR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.1836 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.POORNA CHANDRAN 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 petitioners/A1 to A4, who were arrested and remanded to judicial custody on 23.10.2017 for the alleged offence punishable under Section 395 of IPC., in Crime No.1836 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.10.2017, the petitioners and 2 other accused intercepted the defacto complainant and snatched 1 ½ sovereign of gold chain and Rs.1000/- from him. Hence, the present case has been registered for the above said crime.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 23.10.2017.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioners are belong to the State of Maharashtra. He further submitted that after completion of investigation, charge sheet has



been filed before the Court concerned and the committal proceedings are almost over.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners and 2 other accused looted a gold chain and Rs.1000/- from the possession of the defacto complainant. As of now, after completion of investigation, final report has been filed. So, question of custodial interrogation does not arise. Since the petitioners are belong to the State of Maharashtra, now, it is relevant to apply the judgment passed by the Delhi High Court, in the case of Anil Mahajan vs. Commissioner of Customs and another, reported in 2000 CrL.J. 2094, in which the Delhi High Court observed as law does not authorise or permit any discrimination between a foreign National and an Indian National in the matter of granting bail. This Court also agree with the view taken by the Delhi High Court in the above said decision. Hence, considering the facts and other circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai; the sureties must be residing within the jurisdiction of Anna Nagar Police Station, Madurai District, in which the case was registered and also the solvency certificate, which would be produced by the sureties must be countersigned by the Tahsildar concerned;

(ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;

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

(iv) the petitioners shall not commit any offence while on bail;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

21/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ANNANAGAR POLICE STATION, MADURAI DISTRICT.
 4. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.POORNA CHANDRAN Advocate SR.No.2795

ORDER

IN

CRL OP(MD) No.2619 of 2018

Date :21/02/2018

PJL

MS/CM/SAR.1/21.02.2018/3P.7C