



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2839 of 2018

KARTHICK

... PETITIONER/5th ACCUSED

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

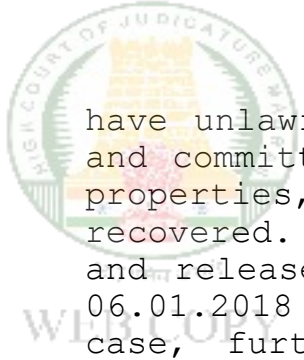
The petitioner / A5, who was arrested on 06.01.2018 for the offence punishable under Sections 394 IPC @ 394, 397 IPC in Crime No.760 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 12.12.2017, the petitioner and other accused have unlawfully entered into the house of the de facto complainant and tied the de facto complainant with the chair and thereafter, committed the theft of 136 sovereigns of gold. 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 06.01.2018 onwards.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the stolen properties were recovered. 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, being fifth accused and other 7 accused



have unlawfully entered into the house of the de facto complainant and committed the theft of 136 sovereigns of gold. As of now, the properties, which was stolen away from the place of occurrence was recovered. In this case, except A1, all other accused were arrested and released on bail. The petitioner is in judicial custody from 06.01.2018 onwards. Considering the facts and circumstances of the case, 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;

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 a.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/-
22/02/2018

/ TRUE COPY /

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

gns

TO



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.2917

ORDER

IN

CRL OP(MD) No.2839 of 2018

Date :22/02/2018

MS/CM/SAR-1/22.02.2018:3P/7C