



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2851 of 2018

1 VIGNESHWARAN
2 ARIKRISHNAN
3 RAGUPATHI

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.18 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners :M/S.D.RAMESH KUMAR 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 :-

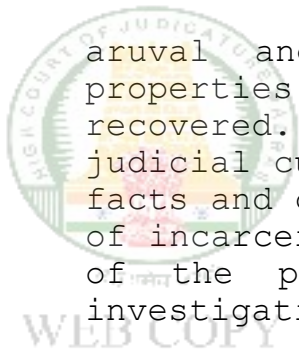
The petitioners / A-1 to A-3, who were arrested and remanded to judicial custody on 05.02.2018 for the offence punishable under Section 399 I.P.C., and Section 25(1-B)(b) of Arms Act, in Crime No.18 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein and other accused persons armed with lethal weapons and made preparation to commit dacoity, at that time, the police party secured the accused persons with lethal weapons. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 05.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that no previous case is pending against the petitioners. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, in order to commit the offence, the petitioners and other accused persons found in possession of lethal weapons like



aruvai and sword. According to prosecution, as of now, the properties which were used for the commission of offence had been recovered. The petitioners are the first offenders and they are in judicial custody from 05.02.2018 onwards. Therefore, considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. 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 Pattukkottai.

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. for a period of three weeks, thereafter, as and when required.

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

27/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESH KUMAR Advocate SR.No.3087

ORDER IN
CRL OP(MD) No.2851 of 2018
Date :27/02/2018