



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.3114 of 2018

R.NAVANEETHAN @ NAVANEETHAKRISHNAN

... PETITIONER/
ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.251 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.SETHURAMAN, 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 :-

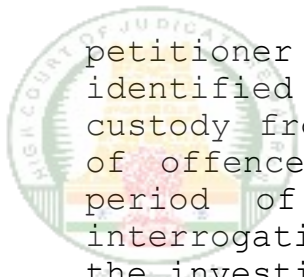
The petitioner, who was arrested and remanded to judicial custody on 05.02.2018 for the offence punishable under Sections 379 and 414 I.P.C., in Crime No.251 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused in this case has snatched the gold chain from the defacto complainant, subsequently, the same was handed over to the other accused and thereafter, it was handed over to the petitioner herein. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 05.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the property, which was stolen away by the accused during the time of occurrence has been recovered. 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, the petitioner found possession of stolen property, which was received from the first accused in this case. Whether the



petitioner is having intention to commit this offence or not is identified only at the time of trial. The petitioner is in judicial custody from 05.02.2018 onwards. Therefore, considering the nature of offence committed by the petitioner and also considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

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6. Considering the above facts and circumstances, 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, Thirumangalam.

(ii) the petitioner is 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 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/-
27/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION, MADURAI DISTRICT.
4. THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.SETHURAMAN Advocate SR.No.3082

ORDER IN
CRL OP(MD) No.3114 of 2018
Date : 27/02/2018