



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

Friday, the Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3342 of 2018

VIGNESH

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
IN CR.NO. 377/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PITCHAIMUTHU Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

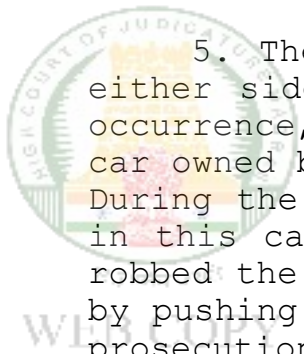
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.02.2018 for the alleged offences punishable under Sections 395 and 397 of IPC., in Crime No.377 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused hired the car of the defacto complainant at Tiruppur in order to go to T.Kallupatti, during the time of journey, the petitioner and other accused at knife point threatened the defacto complainant and robbed his Cell Phone and cash Rs.500/-. Thereby, they took away the Maruthi Omni by pushing the defacto complainant out of the car. Hence, the case has been registered against the petitioner and other accused persons for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the stolen properties have been recovered. He further submitted that no previous case is pending against the petitioner. According to the prosecution, the investigation is in progress.



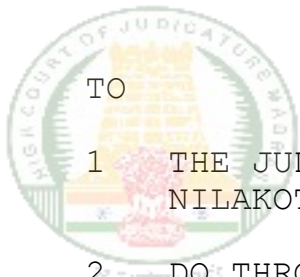
5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused in this case, hired the car owned by the defacto complainant in order to go to T.Kaluppatti. During the time of travelling, the petitioner and the other accused in this case threatened the defacto complainant at knife point and robbed the Cell Phone, cash Rs.500/- and took away the Maruthi Omni by pushing the defacto complainant out of the car. According to the prosecution, as of now, the property which were stolen away during the time of occurrence had been recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Moreover, the petitioner is in judicial custody from 16.12.2017. The learned Government Advocate (Criminal side) fairly conceded that the petitioner is the first offender. Thereby, considering the above facts and circumstances, particularly, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. 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, Nilakottai, Dindigul District;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-

02/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.PITCHAIMUTHU Advocate SR.No.3358

ORDER

IN

CRL OP(MD) No.3342 of 2018

Date :02/03/2018

MKV-PM-PN-SAR 1/2.3.2018/3P-7C