



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

Thursday, the Fifteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4116 of 2018

ELANGO VAN

... Petitioner/Sole Accused

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKOTTAI DISTRICT,
IN CR.NO.6/2018.

... Respondent/Complainant

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN Advocate

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

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

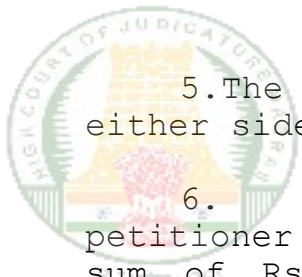
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 21.02.2018, for the offences punishable under Sections 387 r/w. 506(ii) of IPC in Crime No.6 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein threatened the defacto complainant by using the knife and took away a sum of Rs.500/- from the de facto complainant. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 21.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.



5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, the petitioner threatened the defacto complainant and demanded to pay a sum of Rs.500/-. The said offence has been committed by the petitioner without any reason. The petitioner is in judicial custody from 21.02.2018. Now, after completing the investigation, Charge Sheet has been filed by the respondent police and the same was taken on file in C.C.No.526 of 2018, on the file of the learned Judicial Magistrate No.II, Pudukottai, in which, eight persons have been cited as prosecution witnesses. As of now, four persons were examined as PW. 1 to PW.4, in which, PW.1 had not supported the case of prosecution. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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 No.II, Pudukottai;

(ii) the petitioner shall appear before the respondent Police twice a daily at 10.00 a.m. and 5.00 pm 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/-
15/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE OFFICER IN CHARGE,
DISTRICT PRISON,
PUDUKOTTAI.

4 THE SUB INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.4187.

ORDER

IN

CRL OP (MD) No.4116 of 2018

Date :15/03/2018

SDS/MM-PN/SAR.3/15.03.2018/3P/7C