



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.19507 of 2018

MATHAN KUMAR @ MATHAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
CRIME NO.295 OF 2018

... RESPONDENT / COMPLAINANT

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

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

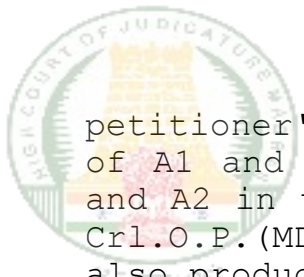
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 09.10.2018 for the offence punishable under Section 395 of IPC in Crime No.295 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.07.2018 at about 6.00 p.m., when the defacto complainant was returning home with his friend, the petitioner with nine others attacked the defacto complainant and forcefully taken Rs.2,500/- and a phone from him and Rs.2,000/- from his friend. Hence complaint have been registered on 22.07.2018 in Crime No.295 of 2018.

3.It is submitted that three complaints have been registered against the petitioner on the same day. The petitioner was already arrested with regard to the Crime No.291 of 2018 on the file of the respondent police station and got bail on 27.09.2018. He was complying the condition of reporting before the learned Judicial Magistrate, Periyakulam from 01.10.2018 to 09.10.2018. On 09.10.2018, the petitioner was arrested in Crime Nos.295 and 296 of 2018.

4.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. Initially, the



petitioner's name was not found in the FIR and after the confession of A1 and A2, the petitioner has been implicated in this case. A1 and A2 in this case have already been granted bail by this Court in CrI.O.P. (MD) Nos. 14052 and 14115 of 2018 and a copy of the order is also produced before this Court.

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5. The learned Government Advocate (CrI.side) submitted that other than this case, the petitioner has been involved in six other cases from the year 2000 to 2017 which are of the similar nature and got bail in all the cases.

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond, for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, 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 learned 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/11/2018

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



TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION, THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.PALMURUGAN Advocate SR.No.21639

ORDER
IN
CRL OP (MD) No.19507 of 2018
Date :15/11/2018

MS/MMS/SAR-1/15.11.2018/3P.7C