



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

Friday, the Twenty First day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22201 of 2018

MOUNAM

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THADICOMBU POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.451/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.VELLAICHAMY, Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor.

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 15.10.2018 for the offences punishable under Section 392 of IPC @ 295 r/w 397 of IPC, in Crime No.451 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.10.2018, at 11.15 a.m., while the defacto complainant along with her servant in her house, the petitioner along with other accused persons threatened them in the knife point and stole away 8 sovereigns of gold jewels and cash of Rs.5,000/-. Hence the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and due to previous enmity the petitioner was falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) submits that investigation in this case has been completed, charge sheet has been filed before the concerned Magistrate Court.



5. Considering the facts and circumstances of the case and considering that the fact that the charge sheet has been filed before the concerned, this Court is inclined to grant bail to the petitioner.

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6. 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul and on further condition that:

[a] the petitioner shall report before the respondent police 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/-
21/12/2018

/ TRUE COPY /

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

TO



2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE OFFICER IN - CHARGE,
DISTRICT PRISON,
DINDIGUL.

4 THE INSPECTOR OF POLICE,
THADICOMBU POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP (MD) No.22201 of 2018
Date :21/12/2018

AMS/VR-MMS/S-3/26.12.2016/3P/6C