



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.20052 and 20351 of 2018

1 IYYAPPAN
2 MANIKANDAN

... PETITIONERS / ACCUSED NO.1 AND 2
IN CRL OP(MD) No.20052 of 2018

MANIKANDAN

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD) No.20351 of 2018

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE, (CRIME)
THATCHANALLUR POLICE STATION,
TIRUNELVELI CITY.
IN CRIME NO. 178 OF 2018

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.S.SATHYA CHIDAMBARAM, Advocate
IN CRL OP(MD) No.20052 of 2018
AND
MR.V.KANNAN, Advocate
IN CRL OP(MD) No.20351 of 2018

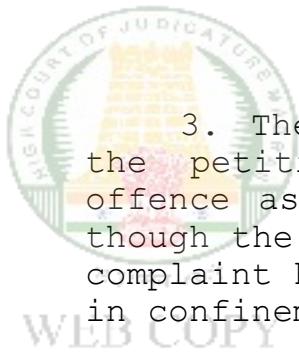
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as A1 and A2, were arrested and remanded to judicial custody since 08.10.2018 for the offences punishable under Section 394 of IPC, in Crime No.178 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the occurrence is said to have taken place on 01.09.2018, when the defacto complainant and his relatives went to the Thamarabarani river by car for a dip, the petitioners came to the spot by their two wheelers, attacked them with wood and robbed their car and taken away a sum of Rs.5,000/- from them. Hence, they were arrested and remanded to judicial custody.



3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submitted that though the occurrence is said to have taken place on 01.09.2018, the complaint has been lodged only on 12.09.2018 and the petitioners are in confinement from 08.10.2018.

4. The learned counsel for the petitioners seek permission of this Court to withdraw this petition in respect of A2 in CrI.O.P. (MD)No.20052 of 2018. He has also made an endorsement to that effect.

5. The learned Government Advocate (CrI.side) would submit that the car has been recovered and the amount of Rs.5,000 from A1 and Rs.5,000 from A1 has also been recovered.

6. In view of the above, the Criminal Original Petition is dismissed as withdrawn in respect of A2 in CrI.O.P. (MD)No.20052 of 2018.

7. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners/A1 and A2.

8. Accordingly, the petitioners/A1 and A2 are ordered to be released on bail on their 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 No.IV, Tirunelveli, Tirunelveli District and on further condition that:

[a] the petitioners shall report before the respondent police daily twice at Morning 10.30 a.m., and Evening 5.00 p.m., until further orders.

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE,
(CRIME) THATCHANALLUR POLICE STATION,
TIRUNELVELI CITY.

4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No. 21968
+1. C.C. to M/S.V.KANNAN, Advocate SR.No. 96485

ORDER

IN

CRL OP(MD) Nos.20052 and 20351 of 2018

Date :23/11/2018

JM/VR MMS/SAR 3/23.11.2018/3P/8C