



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21009 of 2018

MATHIVANAN

... PETITIONER /2nd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.842 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

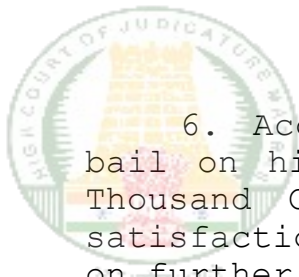
The petitioner, who was arrested by the respondent police on 11.10.2018, for the offences punishable under Section 394 of IPC., in Crime No.842 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused snatched three sovereigns of gold chain, two sovereigns of gold ring and a cell phone from the defacto complainant's father.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that property has been recovered.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration and also the fact that the property has been recovered, this Court is inclined to grant bail to the petitioner, with certain conditions.



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 appear before respondent police daily at 10.30 a.m., and 5.30 p.m until further orders.

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

[c] the petitioner shall not abscond 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 229 A IPC.

sd/-

07/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.
4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.22868

ORDER

IN

CRL OP(MD) No.21009 of 2018

Date :07/12/2018

MS/PN/SAR-1/07.12.2018/2P.7C