



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

Monday, the Fifteenth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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CRL OP (MD) No.5506 of 2019

NEELAN

... PETITIONER / ACCUSED - 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.416/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.C.HEROLD SINGH, 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 :-

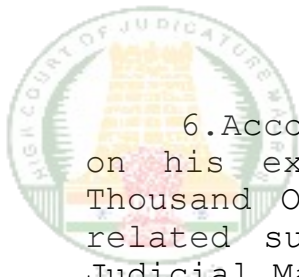
The petitioner, who was arrested and remanded to judicial custody since 04.02.2019 for the offence punishable under Section 392 IPC in Crime No.416 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Salesman of TASMACH Shop situated at Nallloor. The petitioner and other accused persons waylaid the defacto complainant and robbed a sum of Rs.2,49,130/-, thereby, attacked him. Hence, this complaint is lodged.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He innocently, accompanied with the other accused persons, for which he implicated in this crime. Now, the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.416 of 2018 without prejudice to his rights thereafter the said amount may disburse in favour of TASMACH. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the state would submit that investigation is pending.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the petitioner is come forward to deposit a sum of RS.1,00,000/- to the credit of Crime No.416 of 2018, this Court is inclined to grant bail to the petitioner.



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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate III, Nagercoil and on further condition that:

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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.416 of 2018 within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights; thereafter, the said amount may disburse in favour of TASMAL.;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/04/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.
4. THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.C.HEROLD SINGH Advocate SR.No.6874

ORDER IN

CRL OP(MD) No.5506 of 2019

Date :15/04/2019