



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6998 of 2019

1 PRAKASH
2 ANBALAKAN

... PETITIONER / ACCUSED 1,3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARAVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.135 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KARUNANIDHI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

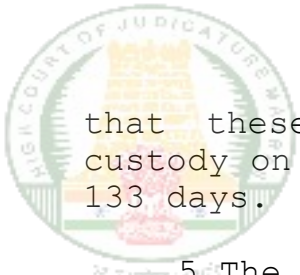
ORDER : The Court Made the following order :-

The petitioners/Accused No.1 & 3 who were arrested and remanded to judicial custody on 13.01.2019 for the offences punishable under Sections 394 and 450 of IPC in Crime No.135 of 2015 on the file of the respondent police, seek bail.

2.Heard Mr.R.Karunanidhi, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 21.04.2015 at about 2:00 a.m., three unknown persons had entered into the house of the *de facto* complainant and the first unknown person attacked the mother-in-law of the *de facto* complainant with an iron rod and snatched 2 sovereign gold chain and the second unknown person attacked the *de facto* complainant and snatched away 5 sovereign gold chain and the third unknown person attacked the daughter of the *de facto* complainant and snatched one sovereign gold chain. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offences as alleged by the prosecution. The learned counsel further submitted



that these petitioners were arrested and remanded to judicial custody on 13.01.2019. They are languishing in the jail for the past 133 days.

5. The learned Government Advocate (Crl. Side) vehemently opposes for the grant of bail as the investigation is yet to be completed.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 133 days, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners/Accused 1 and 3 are ordered to be released on bail on both 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 Principal Sessions Judge, Kanyakumari and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners **shall report before the respondent police on every Monday at 10:30 a.m.** till the completion of investigation;

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

15/05/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT.

2 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
ARAVIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.



3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-8312[I] dated 15/05/2019)

ORDER

IN

CRL OP (MD) No.6998 of 2019

Date :15/05/2019

JM/VR/SAR 2/17.05.2019/3P/6C