



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.832 of 2019

V.GOWTHAM

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 651/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.SENTHIL MURUGAN, 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 :-

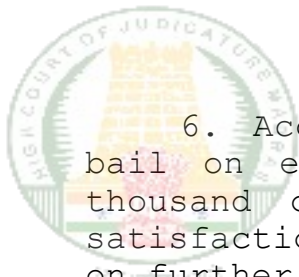
The petitioner was arrested and remanded to judicial custody since 29.11.2018 for the offences punishable under Section 394 of IPC and later altered into 397 of IPC, in Crime No.651 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.07.2018 while the defacto complainant along with his father walking near Dindigul Abirami Amman Temple, the petitioner along with other accused attacked his father with hands and pushed him down and then they picked Rs.620/- from the defacto complainant's shirt pocket and ran away from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is having 5 previous cases and out of 5 one is 302 of IPC offence and the investigation is going on.

<https://hcservices.ecourts.gov.in/bisearch> 5.The Court considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on 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.I, Dindigul, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders.

[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/-
24/01/2019

/ TRUE COPY /

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

TO

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

+1. CC to MR.C.SENTHIL MURUGAN, Advocate SR.No.1262

ORDER
IN
CRL OP(MD) No.832 of 2019
Date :24/01/2019