



WEB COPY

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

Date : 05/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9052 of 2019

S.Ramesh

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Somarasampettai,
Trichy District.
(Crime No.106/2019)

... Respondent/Complainant

For Petitioner : M/s.P.Sivachandran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.106 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

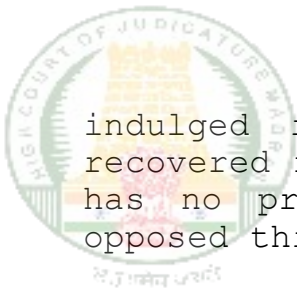
1.Today, when the matter is taken up for hearing, the learned counsel for the petitioner has filed a memo stating that petitioner herein is originally arrayed as A-5. But, they have inadvertently represented the rank of the petitioner as A-6 in the petition.

2.The said memo is recorded. The petitioner is represented as A-5.

3.This petition has been filed by the Accused-5, seeking bail for the alleged offences punishable under Section 397 I.P.C in Cr.No.106 of 2019 on the file of the respondent Police.

4.The learned counsel for the petitioner has submitted that the petitioner has not committed any offence and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 06.06.2019 onwards. Therefore, he prayed to grant bail to the petitioner.

5.Per contra, the learned Additional Public Prosecutor has submitted that the petitioner along with other accused persons



indulged in robbery. He further submitted that the car was recovered from A-1. However, he fairly conceded that the petitioner has no previous case. As investigation is pending, he strongly opposed this petition.

6. Taking into consideration of the fact that the value of the amount involved is Rs.300/-, also the fact that car was recovered from A-1 alone, also the fact that no previous case is pending against this petitioner and also the fact that the petitioner is in judicial custody from 06.06.2019, this Court is inclined to grant bail to the petitioner, by imposing conditions:-
Accordingly,

[a] 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.5, Trichy.

[b] the petitioner shall report before the respondent Police, daily at 10.00 a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.5, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE, SOMARASAMPETTAI, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SIVACHANDRAN Advocate SR.No.11187

ORDER IN

CRL OP(MD) No.9052 of 2019

Date : 05/07/2019