



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9076 of 2019

PRABAKARAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.91 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petition has been filed by sole Accused seeking bail for the alleged offence punishable under Sections 392, 397 and 506 (2) of IPC, in Crime No.91 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as the FIR, on 07.05.2019 at about 3.50 p.m, while the defacto complainant, Nagamani was supplying water at Bommanampatti Nadar Shop, the accused came at that place and threatened him on the point of knife and he took up Rs.500/- from the defacto complainant's shirt pocket and the accused has threatened the public by showing the weapon and ran away from the occurrence place. He further submitted that the petitioner was arrested and remanded to judicial custody from 09.05.2019 and by this time, investigation might have been completed, and therefore, he prayed to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that 5 previous cases pending against the petitioner and he is in custody from 09.05.2019 and the investigation is not yet completed. Hence, he opposed this petition.



5. Taking into consideration of the value of the property involved in this case is only Rs.500/- and also the fact that no one sustained injury and also that the petitioner is in custody from 09.05.2019 and also the fact that the proceedings with regard to detain the petitioner under Goondas Act is quashed, this Court is inclined to grant bail to the petitioner by imposing conditions.

[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, Nilakottai.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

27/06/2019

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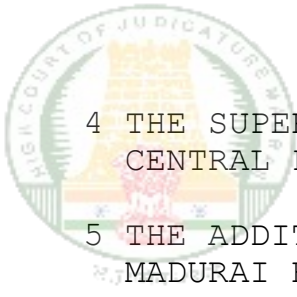
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDUGAL DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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+1. CC to M/S.R.ALAGUMANI Advocate SR.No.10607

ORDER

IN

CRL OP(MD) No.9076 of 2019

Date :27/06/2019

JM/VR/SAR 4/27.06.2019/3P/7C