



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22456 of 2018

B.SIVASANKARALINGAM

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

PATHAMADAI POLICE STATION,

TIRUNELVELI DISTRICT

Crime No.160/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 15.11.2018 for the offence punishable under Section 379 IPC in Crime No.160 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant, namely Seeniraj is working as a Gold Appraiser in Nanaiyam Gold Exchange at Kovilpatti Branch. The owner, namely Saravanan called the petitioner on 12.10.2018, handed over the amount of Rs.3,00,000/- to be handed over the this petitioner Rs.2,30,000/- to the petitioner Rs.70,000/- to the Tirunelveli Branch. The defacto complainant handed over the amount of Rs.70,000/- to the Tirunelveli Branch and took the bike came to Pathamadaai to meet the petitioner. The petitioner pledged loan at Muthoot Banker at Pathamadaai Branch to return back the jewels from Muthoot and planned to sale the defacto complainant's compnay. The defacto complainant was waiting in a place. The petitioner and his wife approached him took the bag contained the money and run away their bike.



3.The learned counsel 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) for the respondent would submit that a sum of Rs.48,000/- (Rupees Forty Eight Thousand Only) has been recovered from the petitioner herein.

5.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 his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am and 05.00 pm for a period of two weeks and thereafter as and when required for interrogation.

[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/-
03/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE OFFICER INCHARGE,
SUB JAIL, KOKKIRAKULAM.

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

+1. CC to Mr.S.SIVAKUMAR Advocate SR.No.99

ORDER

IN

CRL OP (MD) No.22456 of 2018

Date :03/01/2019

TK/VR/SAR-2/03.01.2019/3P/7C