



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

Monday, the Twenty First day of January Two Thousand Nineteen
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22949 of 2018

SANGILI PANDIAN

... PETITIONER / ACCUSED
NO.NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
IN CRIME NO.605 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.S.SARAVANAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

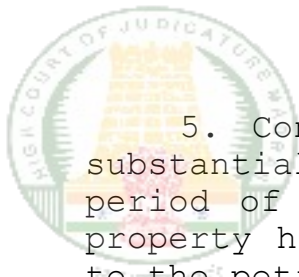
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 12.12.2018 for the offences punishable under Sections 380,457 of IPC in Crime No.605 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and stolen some properties.

3. The learned counsel for the petitioner would submit that the petitioner's name does not find place in the First Information Report. He would also submit that the petitioner was kidnapped by one S.I of Police along with other police personels on 05.12.2018 on the influence of one Ganesan and the said Ganesan and the petitioner had some motive due to financial dealings. He would also submit that the petitioner was illegally taken in custody by the said SI of Police on 05.12.2018 for which the petitioner's brother has filed a petition in HCP (MD) No.1744 of 2018 on 07.12.2018 and when the case was taken for enquiry on 10.12.2018 the petitioner was shown as arrested in the above case on 09.12.2018

4. The learned Government Advocate(Crl.Side) would submit that the property has been recovered. He would also submit that no case is pending against the petitioner of similar nature.



5. Considering the facts and circumstances of the case and substantial part of investigation is over and also considering the period of incarceration of the petitioner and also the fact that property has been recovered, this Court is inclined to grant bail to the petitioner.

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail on their 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.II, Kovilpatti and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m 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/-

21/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, SUB- PRISON,
KOVILPATTI, THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE, WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.SARAVANAN Advocate SR.No.956

ORDER IN

CRL OP(MD) No.22949 of 2018

Date :21/01/2019