



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) Nos.22996 and 23007 of 2018

GOPINATH

... PETITIONER / ACCUSED No.6
IN CRL OP(MD) No.22996 of 2018

PRABHAKARAN

...PETITIONER / ACCUSED No.7
IN CRL OP(MD) No.23007 of 2018

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY CITY.
Crime No 1412 of 2018

...RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.M.JEGADEESH PANDIAN Advocate
IN BOTH PETITIONS

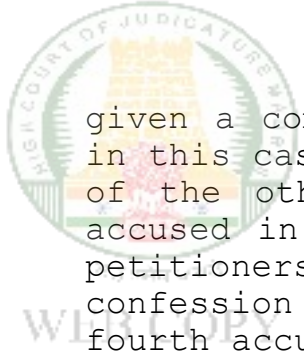
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as the accused 6 and 7, are in judicial custody since 24.11.2018 for the offence punishable under Section 395 IPC in Crime No.1412 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 05.09.2017 the defacto complainant had borrowed a sum of Rs.25,00,000/- for the marriage expenses of his cousin and after obtaining the said amount, he and his friend travelled and reached the junction along with cash. At that point of time, white Tavera Car is said to have been intercepted them and taking them in the car snatched the bag and they dropped them near TVS Toll Gate. The defacto complainant has



given a complaint on 09.09.2017. On 24.11.2018 the fourth accused in this case was arrested and on his confession, complicity and role of the other accused have been found. There are totally seven accused in this case and all the accused have been arrested. The petitioners herein are arrayed as accused 6 and 7. As per the confession of the fourth accused, these petitioners are known to the fourth accused and they were participated in the crime and for their role, they have received a sum of Rs.1,50,000/- each.

3.The learned counsel for the petitioners would submit that the petitioners are known to the fourth accused and they have not interfered in this crime. They have since been known to the fourth accused, they have been falsely implicated in this case. Further, it is stated they did not have bad antecedents. Since they have bad company, they have roped in this case. Further, it is highly unbelievable that the occurrence date is 05.09.2017, but the defacto complainant has lodged the complaint on 09.09.2017 and the reason given by him for possession of Rs.25,00,000/- looks highly artificial. Further, the arrest in this case had taken place after one year from the occurrence date.

4.The learned Government Advocate (Crl.Side) for the respondent would submit that the amount involved in this case is Rs.25,00,000/-, but only a sum of Rs.5,00,000/- could be recovered.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirappalli, and on further condition that:

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

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners 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 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].



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

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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 NO II,
TIRUCHIRAPPALLI.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.119,120

ORDER
IN
CRL OP(MD) Nos.22996 and
23007 of 2018
Date :03/01/2019

TK/VR/SAR-2/03.01.2019/3P/8C