



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10666 of 2019

1. Salman
2. Faizal
3. Ajmal

... Petitioners/Accused 1 to 3

Vs

The state rep.by
The Sub Inspector of Police,
Soolakarai Police Station
Virudhunagar District.
Crime No.197 of 2019

... Respondent/Complainant

For Petitioners : M/s.A.Sivasubramanian, Advocate.

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

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

PRAYER :-

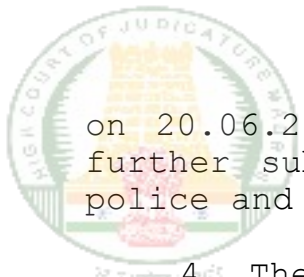
For Bail in Crime No. 197 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 to 3 seeking bail for the alleged offence under Sections 420,468,471 of IPC and 102 of Cr.P.C.

2. Heard both sides

3. The learned counsel for the petitioners would submit that there was a quarrel between the petitioners and a staff of the petrol bunk at Nalatinputhur and the petitioners had taken a tyre from the petrol bunk and fled from the said place and to escape from police only they had fixed a false registration number on the original number plate and the petitioners have no intention in fixing a forged registered number to the car. He further submitted that the petitioners were arrested and remanded to judicial custody



on 20.06.2019 and from that date onwards they are in custody. He further submitted that the car has been seized by the respondent police and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had left a car with a forged registration number fixed on the original number. Hence he strongly opposed to grant bail to the petitioners. He would further submit that one previous case is pending against the first and third petitioner. However he fairly conceded that the property was recovered.

5 Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners are in custody from 20.06.2019 and also the fact that the property was recovered and also the submission made by the learned counsel for the petitioner that insofar as the petitioners 1 and 3 are concerned one case is pending against them in C.C.No.770 of 2019 on the file of the learned Judicial Magistrate No.I, Thodupuzha for the offence under Section 118(a) of Kerala Police Act and the third accused was convicted in C.C.No. 717 of 2018 on the file of the learned Judicial Magistrate No.I, Thodupuzha for the offence under Section 20(i)(b) of NDPS Act and Rs.5000/-fine was imposed on 29.08.2018, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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 each for a like sum to the satisfaction of the Judicial Magistrate No.II, Viruthunagar.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

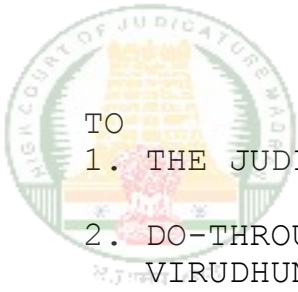
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-

02/08/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE OFFICER INCHARGE, DISTRICT JAIL,
VIRUDHUNAGAR.

4. THE SUB INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.A.SIVASUBRAMANIAN Advocate SR.No.12749

ORDER

IN

CRL OP(MD) No.10666 of 2019

Date :02/08/2019

MS/VR/SAR-3/02.08.2019/3P.7C