



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10975 of 2019

Rajan ... Petitioner/Accused No.4

Vs

State rep by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.278 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.R.A.Ramachandran,
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.278 of 2019 on the file of the Respondent Police

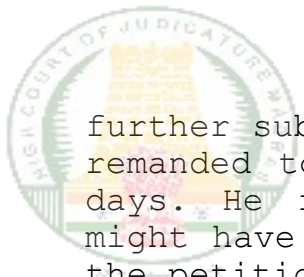
ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.4 seeking bail for the alleged offence punishable under Section 379 and altered into under Sections 379, 341 and 392 of IPC, in Crime No.278 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, on 09.06.2019, at 07.45 p.m when the defacto complainant was going through his bike, 4 persons waylaid him and snatched gold chain weighing about 2 sovereigns & 3 grams dollar, one cell phone and bike key. He further submitted that the petitioner has been arrested based on the confession of A2 and no stolen properties were recovered from the petitioner except car, which was used by the accused persons at the time of occurrence. He

<https://hcservices.ecourts.gov.in/hcservices/>



further submitted that the petitioner was arrested on 17.06.2019 and remanded to judicial custody and he is in custody for the past 52 days. He further submitted that by this time, the investigation might have been completed and therefore, he prayed to grant bail to the petitioner.

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4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally 4 accused were involved in this case. The petitioner along with other three accused persons waylaid the defacto complainant and snatched his gold chain weighing about 2 sovereigns & 3 grams dollar, one cell phone and bike key. He further submitted that already the defacto complainant has lodged a complaint against A1 before the Kalakadu Police Station as A1 has misappropriated the funds of 'L & T Finance' and based on the same, FIR was registered in Crime No.4 of 2019 under Section 420 IPC before the Kalakadu Police Station. He further submitted that accused No.2 & 3 were already arrested and remanded to judicial custody, but the accused No.1 is still absconding and the investigation is not yet completed and hence he strongly opposed this petition. However, he fairly conceded that the petitioner is not having any bad antecedent and no stolen properties were recovered from the petitioner.

5.Taking into consideration of the fact that already the defacto complainant has lodged a complaint against A1 before Kalakadu Police Station as A1 has misappropriated the funds of 'L & T Finance' and based on the same, FIR was registered in Crime No.4 of 2019 under Section 420 IPC before the Kalakadu Police Station and subsequently, he lodged the present complaint stating that on 09.06.2019, at about 07.45 p.m, when he was going through his bike, 4 persons waylaid him and snatched gold chain weighing about 2 sovereigns & 3 grams dollar, one cell phone and bike key. But, sofar A1 was not arrested in either of those cases and also the fact that the petitioner has been arrested based on the confession said to have been given by A2 and eventhough the petitioner was arrested and subjected to interrogation except the car, which was used by the accused persons at the time of occurrence, jewels, bike key and cell phone were not recovered from the petitioner and also the fact that the petitioner is in custody from 17.06.2019 and he is not having any bad antecedent, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]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, Cheranmahadevi.

[[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/-
07/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.R.A.RAMACHANDRAN Advocate SR.No.13060

ORDER
IN
CRL OP(MD) No.10975 of 2019
Date :07/08/2019

dss
TK/VR/SAR.2/07.08.2019/3P/7C