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CRL OP(MD). No.11175 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11175 of 2019

1. Gopi
2. Manikandan

... Petitioners/Accused No.2 & 3
Vs

State Rep.by
The Sub Inspector of Police,
Suthamallii Police Station ,
Tirunelveli District
in Crime No.278 of 2019

... Respondent/Complainant

For Petitioners : M/s.L.George Paul Anto,
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.

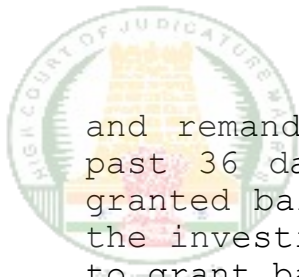
ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos. 2 and 3 seeking bail for the alleged offence punishable 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 petitioners 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 no stolen properties were recovered from the petitioners except car, which was used by the accused persons at the time of occurrence. He further submitted that the petitioners were arrested on 02.07.2019

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



and remanded to judicial custody and they are in custody for the past 36 days. He would further submit that A4 in this case was granted bail by this Court. He further submitted that by this time, the investigation might have been completed and therefore, he prayed to grant bail to the petitioners.

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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 petitioners along with other two 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.1 is still absconding and the investigation is not yet completed and hence he strongly opposed this petition. However, he fairly conceded that A4 in this case was granted by this Court.

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 eventhough the petitioners were 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 petitioners and also the fact that the petitioner is in custody from 02.07.2019 and they are not having any bad antecedents, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their 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, Cheranmahadevi.

[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/-

08/08/2019

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

TO

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

+1. CC to M/S.L.GEORGE PAUL ANTO Advocate SR.No.13244

ORDER

IN

CRL OP(MD) No.11175 of 2019

Date :08/08/2019

MS/VR/SAR-1/08.08.2019/3P.7C