



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3734 of 2020

MUKESHKANNAN

... PETITIONER/ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT
CRIME NO.149/2019.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Elumalai,
Advocate.
for Mr.Dilipan Pandian, Advocate

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

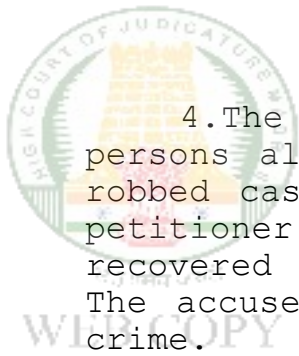
for bail in Crime No. 149 of 2019 on the file of the
respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking
bail for the alleged offence punishable under Section 394 of IPC.

2. Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

3. The defacto complainant in this case is a tasmac supervisor
who has given complaint alleging that the shop collection of
Rs.1,81,000/- was robbed from him while he was carrying money in
the box on 27.07.2019 night.



4.The case was registered on 28.07.2019 against three unknown persons alleging to have intercepted the defacto complainant and robbed cash after assaulting the defacto complainant. The present petitioner herein was arrested on 15.12.2019 and Rs.10,000/- was recovered from him and Rs.26,000/- each from other accused persons. The accused persons have confessed about their involvement in the crime.

5. The learned counsel for the petitioner would submit that for the past 80 days in jail for no fault and the petitioner is no way connected with the crime and he was arrested after five months of the occurrence on mistaken identity.

6. Without advertting to the other merits of the case but taking note of the fact that investigation has been completed and also taking into consideration that the petitioner is in custody for the past 80 days, this Court is inclined to grant bail to the petitioner by imposing conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District ;

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for 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.

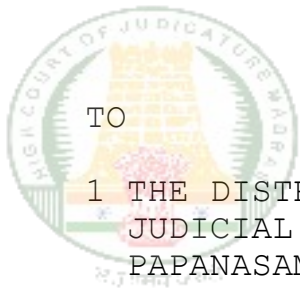
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
03/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.S.ELUMALAI, Advocate (SR-4695[I] dated 03/03/2020)

ORDER

IN

CRL OP(MD) No.3734 of 2020

Date :03/03/2020

aav

JM/PN/SAR 4/03.03.2020/3P/7C