



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3162 of 2021

1. K.Sureshkumar
2. S.Kopakumar
3. R.Akhil

... Petitioners 1 to 3/ A4,A1 and A5

-Vs-

State Rep.by
The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.
Crime No.43 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.R.Sreenivasan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

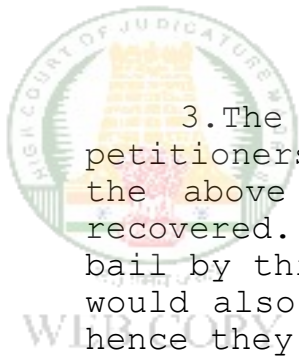
PRAYER :- For Bail in Crime No.43 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4,A1 and A5 herein who were arrested and remanded to judicial custody on 20.01.2021 for the alleged offences under Sections 392,170,120(b) and 406 of IPC, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 19.01.2021 at about 5.30 hrs the defacto complainant had sent jewels weighing 1 ½ kg from this jewellery shop to his son-in-law shop at Tirunelveli and 800 gms of gold to some other persons who are having jewellery shop at Nagercoil. On the way to Tirunelveli they delivered 1 ½ kg of gold to the informant's son-in-law and received Rs. 76.50 lakhs and also delivered 800 gms of gold at Nagercoil and received Rs.40.44 lakhs and while they were returning back four persons restrained the car and said that they are police officials and took away cash of Rs.76.40 lakhs and snatched cell phones of three employees of the informant and fled from the scene of occurrence.

<https://hcservices.ecourts.gov.in/hcservices/>
Here is the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that the cash has been recovered. He would also submit that A2 in this case was granted bail by this Court on 19.02.2021 in Crl.O.P(MD) No.2252 of 2021. He would also submit that the petitioners are in jail from 20.01.2021, hence they may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that accused persons hail from Kerala and they have acted as police officers and had waylaid the defacto complainant and committed robbery of Rs.76.40 lakhs. He would also submit that the stolen cash has been recovered.

5. It is seen that the stolen cash has been recovered. A4 impersonated himself as Kerala Police, A1 driven the vehicle of the defacto complainant and the A5 accompanied the other accused persons. A2 in this case was also granted bail by this Court.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners by imposing conditions.

7.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

[a] the petitioners shall draw a demand draft in favour of Dean, Kanyakumari Government Medical College and Hospital at Nagercoil for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to the Magistrate while executing sureties.

[b] On acknowledgment of the same, the petitioners shall execute 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 No.I, Padmanabapuram, Kanyakumari District

[c] 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;

[d] the petitioners shall stay at Nagercoil and report before the respondent police daily at 10.30 a.m., until further orders.

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



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

[g]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].

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

sd/-

01/03/2021

/ TRUE COPY /

/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, PADMANABAPURAM, KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE, THUCKALAI POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
KANYAKUMARI GOVERNMENT MEDICAL COLLEGE AND HOSPITAL,
NAGERCOIL

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-1568[I] dated 01/03/2021)

ORDER IN

CRL OP(MD) No.3162 of 2021

Date :01/03/2021

AAV

<https://hmcgpcr.org.in/Services/18/2021/3P.8C>