



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.20330 of 2021

Allwin ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
Cr.No.257/2021.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.257 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 03.12.2021 for the offence under Sections 420, 397, 342 and 506(ii) I.P.C, in Crime.No.257 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as a Manager in Ruthra Enterprises Lubricant Oil Company. On 20.08.2021, the defacto complainant sent lubricant oil in a lorry. When the lorry reached the storage area, the accused persons came with deadly weapons, attacked the defacto complainant and others, committed robbery of lubricant oil, cash of Rs.30,000/- and also a cell phone. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that some of the co-accused were already granted bail by the trial Court and one of the accused Esakkimuthu also granted bail by this Court on 2.9.2021. This petitioner is in custody for more than 17 days



in custody and confession statement also recorded from this petitioner. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there was conspiracy between all the accused persons and since the time of occurrence was at night, the *defacto* complainant could not identify all the persons, hence based on the confession this case was registered against other accused persons and that the petitioner is not having any previous case at his credit.

5.Reading of CD file shows that based upon the confession statement of the co-accused, this petitioner has been implicated in this matter. Reading of confession statement shows that this petitioner was engaged with the other persons for the purpose of committing robbery, on payment of Rs.10,000/- each. In this case, the confession statement of the petitioner was also recorded. From his confession it is seen that one pulsar vehicle has been recovered from the petitioner.

6.Considering the facts that one of the accused Esakkimuthu also granted bail by this Court on 27.09.2021, that the major portion of the investigation has been completed and the properties were also recovered, that the petitioner is not having any previous case, and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Tiruneleveli, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

20/12/2021

/ TRUE COPY /

21/12/2021

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



TO

- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.Do Through The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20330 of 2021
Date :20/12/2021

RS/VR/SAR2(21.12.2021) 3P-6C