



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/12/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21012 of 2021

WEB COPY

1. BALASUBRAMANIAN
2. IYAPPAN
3. GANESH KUMAR

... PETITIONERS/ACCUSED RANK NOT KNOWN

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PERUMALPURAM CRIME POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.257 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.Pandiyaraj.S,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

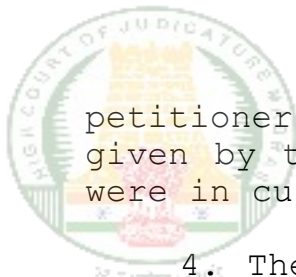
For Bail in Crime No. 257 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 01.12.2021 for the offences punishable under Sections 342,397,420,506(ii) of IPC in Crime No.257 of 2021 on the file of the respondent police, seek 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 and 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.30.0000/- and also cell phone. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that co- accused in this case were granted by this Court on 27.09.2021 and 20.12.2021 in Crl.O.P (MD) Nos.13395 and 20330 of 2021. He would also submit that the



petitioners were arrayed as accused only based on the confession given by the co-accused. He would also submit that the petitioners were in custody from 01.12.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the stolen lubricating oil has been recovered and no previous case is pending against the petitioners. However, he fairly concedes that co-accused in this case was granted bail by this Court.

5. Taking note of the fact and circumstances of the case and also the fact that the stolen lubricating oil has been recovered and the fact that no previous case is pending against the petitioners and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, 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 learned Judicial Magistrate No.I, Tirunelveli and on further condition that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners 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 themselves 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/-
29/12/2021

/ TRUE COPY /

29/12/2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
PERUMALPURAM CRIME POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE INSPECTOR OF POLICE,
PERUMALPURAM CRIME POLICE STATION,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.21012 of 2021
Date :29/12/2021

USK/CK/SAR-IV/ (29.12.2021) 3P 6C