



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

Thursday, the Nineteenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5138 of 2015

WEB COPY

1 PRABAKARAN
2 KRISHNA MANI

... PETITIONERS/ACCUSED 1 & 2

Vs

THE STATE REP BY
INSPECTOR OF POLICE
MEGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT
(CR.NO. 49 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC in Crime No.49 of 2015 on the file of the respondent police, seek anticipatory bail.

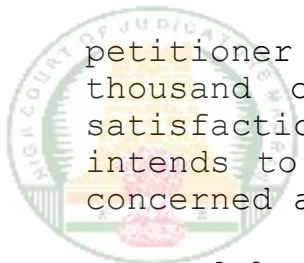
2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that these petitioners have stolen 6 goats belonging to the defacto complainant.

4. Learned counsel for the petitioners submits that this case has been falsely foisted by the defacto complainant on account of previous enmity.

5. Learned Government Advocate (Crl.Side) submits that goats have not been recovered and the value of the goats is around Rs.15,000/-.

6. Under such circumstances, this Court is of the view that it will serve the interest of justice, if the petitioners are directed to deposit Rs.5,000/- before the concerned Magistrate. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sattankulam, on condition that each of the



petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall jointly or severally deposit Rs.5,000/- to the credit of Crime No.49 of 2015 before the learned Judicial Magistrate, Sattankulam, who in turn shall deposit the same in anyone of the Nationalized Bank in a Fixed Deposit scheme renewable from time to time and shall also pass orders with regard to the disbursement of the amount at the end of the trial;

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

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

[d] the petitioners shall not abscond 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]**.

sd/-

19/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SATTANKULAM
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE THOOTHUKUDI DISTRICT
- 3 INSPECTOR OF POLICE MEGNANAPURAM POLICE STATION,
THOOTHUKUDI DIST.
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.13453

ORDER

IN

CRL OP(MD) No.5138 of 2015

Date :19/03/2015