



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

Wednesday, the Ninth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.24968 of 2015

1 ESSAKI PANDI
2 SUDALAI KANNU

... PETITIONERS/ACCUSED No. 2 & 3

Vs

STATE REP BY THE INSPECTOR OF POLICE,
SEYDUNGANALLUR POLICE STATION, TUTICORIN
DT.CR.NO.41/2015. ... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK 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 :-

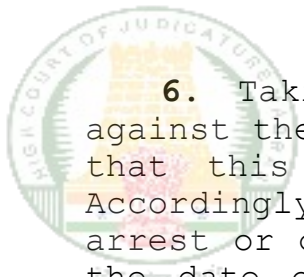
The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offence punishable under Section 379 I.P.C., in Crime No.41 of 2015, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioners / accused 2 and 3 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is the case of the prosecution that the petitioners / accused 2 and 3 along with the first accused had committed theft of tyres from the Tractor of the *de facto* complainant.

4. The learned counsel appearing for the petitioners / accused 2 and 3 has submitted that the first respondent has been enlarged on bail.

5. The learned Government Advocate (Criminal Side) has submitted that the property has not yet been recovered and the confession statement of the first accused shows that the property is in the custody of the petitioners / accused 2 and 3 and the value of the property is said to be Rs.60,000/-. Furthermore, there is no previous case as against the petitioners / accused 2 and 3, except the present case.



6. Taking into consideration the nature of allegations made against the petitioners / accused 2 and 3, this Court is of the view that this is a fit case to grant anticipatory bail to them. Accordingly, they 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, Srivaikundam, on condition that each of the petitioners / accused 2 and 3 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) Each of the petitioners / accused 2 and 3 shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) before the learned Judicial Magistrate, Srivaikundam, without prejudice to their defence and on such deposit, the learned Judicial Magistrate, Srivaikundam, shall disburse the same, as *ex gratia* compensation, to the *de facto* complainant.
- (ii) the petitioners / accused 2 and 3 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.
- (iii) the petitioners / accused 2 and 3 shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners / accused 2 and 3 shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners / accused 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners / accused 2 and 3 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

09/03/2016

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
- 3 THE INSPECTOR OF POLICE, SEYDUNGANALLUR POLICE STATION, TUTICORIN
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S MR.M.S.JEYAKARTHIK Advocate SR.No.3033

ORDER

IN

CRL OP(MD) No.24968 of 2015

Date :09/03/2016

AA/NGM-SS/SAR-I/14.03.2016/3p-6c