



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

WEB COPY

CRL OP(MD) No.1042 of 2016

LAWRANCE

... PETITIONER/ACCUSED(SINGLE)

Vs

THE INSPECTOR OF POLICE

PANAKUDI POLICE STATION, TIRUNELVELI DISTRICT.

(CRIME NO. 526 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.BALAJI, Advocate for
Mr.R.ANAND, Advocate

For Respondent : M/S.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, in Crime No.526 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 (NP) of the Indian Penal Code and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is carrying on business of selling cigarettes on wholesale and retail for the past 2-1/2 years. The petitioner is also doing the same business. The petitioner regularly used to purchase the same from the defacto complainant and they became friends. The defacto complainant found that number of cigarette bundles are missing from his shop. To find out the same, he fixed the mobile phone camera in his shop. On 21.09.2015, in the evening, he found that the petitioner was stealing the cigarette pockets from his shop and he has given a complaint against the petitioner.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution and both the petitioner and the defacto complainant are carrying on the same business. Due to business motive, the defacto complainant has given a false complaint against the petitioner.



Prior to the registration of the F.I.R., the respondent police enquired the petitioner and found that the said complaint is motivated and thereby closed the same. The defacto complainant filed a petition under Section 156(3) of the Code of Criminal Procedure, 1973 before the learned Judicial Magistrate.

4. The learned Government Advocate (Criminal Side) that the investigation is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyur, Tirunelveli District and on his executing 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

27/01/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, VALLIYUR, TIRUNELVELI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE
PANAKUDI POLICE STATION, TIRUNELVELI DISTRICT

+1. CC to M/S R.ANAND Advocate SR.No.4728
RL/6C/AAL/MPA/ARII/2/2/2016

ORDER

IN

CRL OP(MD) No.1042 of 2016

Date :27/01/2016