



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

Monday, the First day of February Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1044 of 2016

SANJAY

... PETITIONER/ACCUSED NO.2

Vs

STATE REP BY THE INSPECTOR OF POLICE
DEVARAM POLICE STATION,
IN CR.NO.441 OF 2015,
THENI DIST.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.SENGUTTARASAN 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 :-

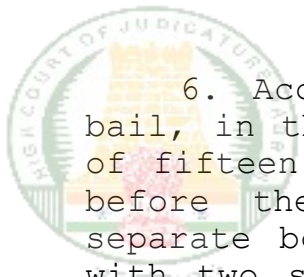
Apprehending arrest at the hands of the respondent police in Crime No.441 of 2015, on the file of the respondent police for offences under Sections 420 IPC, the petitioner/A2 is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.It is the case of the de-facto complainant that A1 and A2, who were his friends, represented to him that they urgently need money for medical treatment and believing their words, he parted with 20 sovereigns of gold jewelry, which they took from him, and neither took treatment nor returned the same and thereby cheated the de-facto complainant.

4.The learned Government Advocate submitted that A1 and A3 were arrested and the jewels have been recovered and that there is no previous case against the petitioner.

5.Taking into consideration the nature of the allegations and the fact that the jewels have been recovered, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioner, but with conditions.



6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodi, on executing a separate 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 petitioner shall report before the respondent police everyday at 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 petitioner 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]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-

01/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, BODI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI
- 3 THE INSPECTOR OF POLICE
DEVARAM POLICE STATION, THENI DIST.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.SENGUTTUARASAN Advocate SR.No.6310

ORDER

IN

CRL OP(MD) No.1044 of 2016

Date :01/02/2016

RR

AA/GSV-AN/SAR-I/03.02.2016/2p-6c