



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10829 of 2016

PONMANI

... PETITIONER/RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 171 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.ANGUSAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

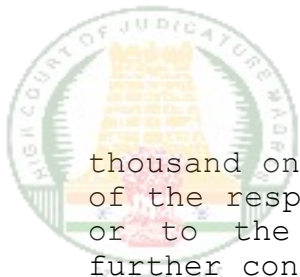
The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.171 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons entered into the cattle farm of the de facto complainant in the midnight of 08.11.2015 and 09.11.2015 and took away two goats from his field. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. A1 was arrested and released on bail by the learned Judicial Magistrate No.III, Tirunelveli vide order made in Cr.M.P.No.4924 of 2015 and A.2 has been released on anticipatory bail by the learned Principal District and Sessions Judge, Tirunelveli vide order made in Cr.M.P.No.7573 of 2015.

4.The learned Government Advocate (Criminal side) submitted that the petitioner is having eight previous cases.

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 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 No.III, Tirunelveli, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.

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

sd/-

01/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S V.ANGUSAMY Advocate SR.No.34418

ORDER

IN

CRL OP(MD) No.10829 of 2016

Date :01/07/2016