



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11102 of 2016

1 VINITH,
2 AJITH,

... PETITIONERS/ACCUSED 3 & 4

Vs

THE STATE OF TAMILNADU REP.BY
THE INSPECTOR OF POLICE,
VADASERI POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.708 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S C.K.M.APPAJI 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 :-

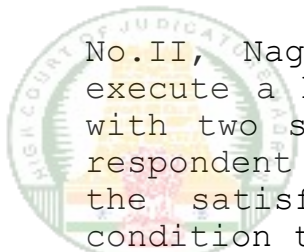
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 394 of IPC in Crime No.708 of 2015, seek anticipatory bail.

2. The case of the prosecution is that on 13.08.2015 at about 11.30 am the petitioners and other accused persons waylaid the defacto complainant and snatched seven sovereigns of gold jewels. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that co-accused was arrested and released on bail and prays for anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the chain was recovered and the investigation of the case is pending. He further submitted that A1 has already been arrested and released on bail.

5. Considering the facts and circumstances of the case and also considering the fact that the property was recovered and that A1 was arrested and released on bail, I am inclined to grant anticipatory bail to the petitioners. 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



No.II, Nagercoil 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 report before the respondent police daily at 10.00 am and 5.00 pm until further orders.

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

[c]the petitioners 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 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/-

14/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE, VADASERI POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S C.K.M.APPAJI Advocate SR.No. 36804

JA-AAL-MPA-SAR.III/18.7.2016/2P:6C

ORDER
IN
CRL OP(MD) No.11102 of 2016
Date :14/07/2016