



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.11840 of 2016

MANIKANDAN

... PETITIONER/ACCUSED RANK NOT
KNOWN TO THE PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 256 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 364(A) and 395 of IPC in Crime No.256 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons kidnapped the defacto complainant and committed robbery of Rs.1,40,000/- from the defacto complainant and set him free. On complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that without knowing the business rivalry between the defacto complainant and other accused, the petitioner identified the defacto complainant to the accused persons and he did not involve in the above said offence and prayed for granting anticipatory bail infavour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the defacto complainant has given a statement stating that the petitioner has involved in the offences and he identified the



defacto complainant to other accused and the investigation of the case is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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, Rajapalayam and 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 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 daily at 10.00 am until further orders.

[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 petitioner 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].

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 condition or not.

sd/-

31/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT
- 3 THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S G.MARIMUTHU Advocate SR.No.11840

ORDER IN

CRL OP(MD) No.11840 of 2016

Date :31/08/2016