



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13000 of 2016

K. SURESH

... PETITIONER / ACCUSED No.4

Vs

State rep.by
THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 391/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

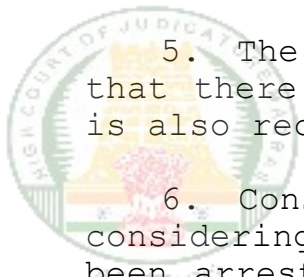
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Section 420 I.P.C., in Crime No.391 of 2016, on the file of the respondent Police and hence, seeks anticipatory bail.

2. The case of the prosecution is that on 03.07.2016, the respondent police along with other police officials on information went to the house of A1, wherein they found that the accused persons attempted to sell the God Murugan Idol through the petitioner by misrepresenting that the same was worth about Rs.3 crores. The respondent police arrested 3 accused persons and the petitioner alone escaped from the scene of occurrence. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. Further, he was not present in the scene of occurrence. Due to political motive, a false case has been registered against him. The Idol is also recovered and other accused persons have already been arrested and enlarged on bail.

4. The learned counsel for the petitioner submitted that the petitioner would abide by any condition that may be imposed by this Court and prays for anticipatory bail in his favour.



5. The learned Government Advocate (Criminal side) submitted that there is no previous case against the petitioner and the Idol is also recovered.

6. Considering the facts and circumstances of the case and considering the fact that the other accused persons have already been arrested and enlarged on bail and also the Idol is recovered, 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 No.I, Ramanathapuram, 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 5 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 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]**.

7. 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/-
03/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.41920

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ORDER

IN

CRL OP(MD) No.13000 of 2016

Date :03/08/2016