



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

Wednesday, the Tenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.13696 of 2016

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D. VINOTH ... PETITIONER / ACCUSED No.3
Vs

The State represented by
THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI , THOOTHUKUDI DISTRICT.
(CRIME NO. 838 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR 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 :-

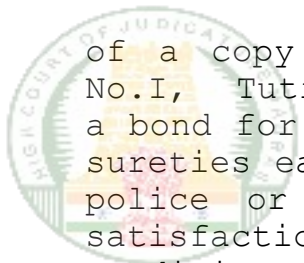
The petitioner, who is arrayed as accused apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 452 and 397 of IPC in Crime No.838 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and three other accused trespassed in to the defacto complainant's office and committed robbery and the A1 has taken a sum of Rs.60,000/- and A2 has taken a sum of Rs.27,800/- and A3 has assaulted the defacto complainant with knife point and he helped to the accused one Babu and took away a sum of Rs.2,15,000/- from the defacto complainant's drawer. On complainant, a case has been registered against the petitioner.

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 co-accused have already enlarged on bail by this Court in Crl.O.P(MD).No.13226 of 2016 dated 29.07.2016.

4. The learned Government Advocate (Crl. Side) submitted that the amount has been recovered and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already enlarged on bail and the amount has been recovered, I am 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, Tuticorin 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:

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[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/-

10/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI , THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.43584

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ORDER

IN

CRL OP(MD) No.13696 of 2016

Date :10/08/2016