



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

Tuesday, the Ninth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.14249 of 2016

THAVASI @ THAVASEELAN

... PETITIONER / ACCUSED
RANK NOT KNOWN.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 124 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S K.KARMEGAM Advocate

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

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

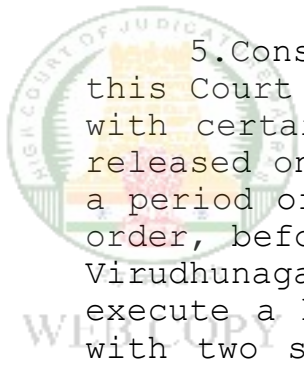
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused who apprehends arrest at the hands of the respondent police for the alleged offence under Section 457, 380 and 511 IPC., in Crime No.124 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused broke open the defacto complainant's house with iron rod and committed theft of the house hold articles. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing 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. The previous petition filed by the petitioner seeking anticipatory bail was dismissed by this Court, vide order, dated 28.06.2016, in Crl.O.P.(MD).No.10480 of 2016. Now, the co-accused were released on bail, on 10.06.2016, by the learned Principal Sessions Judge, Srivilliputhur, Virudhunagar District, in Cr.M.P.No.3467 of 2016 and prays for anticipatory bail.

4.The learned Government Advocate (Crl. Side) submitted that this Court by order, dated 28.06.2016, in Crl.O.P.(MD).No.10480 of 2016, dismissed the petition filed by the petitioner seeking anticipatory bail, on the ground that the co-accused were arrested and they were in custody of the respondent police and also that the petitioner is having three previous cases. Now, the co-accused A1 and A3 were released on bail, by order dated 10.06.2016, by the learned Principal Sessions Judge, Srivilliputhur, Virudhunagar District, in Cr.M.P.No.3467 of 2016 and the investigation is pending.



5.Considering the fact that co-accused were released on bail, 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.II, Srivilliputhur, Virudhunagar District, 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 at 10.00 a.m. .
- (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].

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/-
09/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- +1. CC to M/S K.KARMEGAM Advocate SR.No.43329.

ORDER
IN
CRL OP(MD) No.14249 of 2016
Date :09/08/2016