



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.15121 of 2016

NATARAJAN

... PETITIONER/ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT
CR. NO. 146 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.THIRUVADI KUMAR 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 is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC, in Crime No.146 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused cut down the palm tress and stolen the same.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.10,000/- to the credit of Crime No.146 of 2016 before the learned Judicial Magistrate, Srivaigundam.

5.The learned Government Advocate (Criminal side) submitted that the alleged tress stolen by the accused persons were recovered and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the alleged tress stolen by the accused persons were recovered, this Court is inclined to grant anticipatory



bail to the petitioner with certain conditions. 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, Srivaigundam, on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.146 of 2016 before the learned Judicial Magistrate, Srivaigundam and he 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. 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 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/-
24/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

To

- 1 THE JUDICIAL MAGISTRATE, SRIVAIGUNDAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION, 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.47160

ORDER IN
CRL OP(MD) No.15121 of 2016
Date :24/08/2016