



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15224 of 2016

1 SANTHI
2 ALAGAMMAL

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY CITY.

CRIME NO.390 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.LENIN 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 petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 IPC, in Crime No.390 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

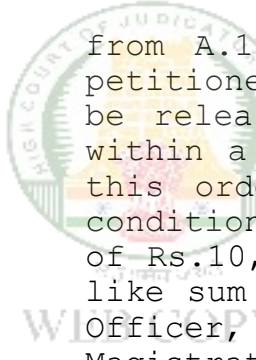
2.The case of the prosecution is that the petitioners along with other accused persons have stolen 16 scraped batteries in P & T Colony, Cell Phone Tower Office. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are collecting old iron scrap and waste papers in public place and selling the same in the old iron scrap shop. A.1 also used to collect the old iron scrap as well as waste papers. The petitioners are innocent persons and they never indulged in the offences as alleged by the prosecution. The alleged scrap papers are recovered from A.1 and based on the confession of A.1, the petitioners were implicated in this case.

4. The learned Government Advocate (Criminal Side) submitted that the stolen properties have been recovered from A.1 and investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the fact that the stolen properties have been recovered



from A.1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their 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, Trichy on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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 petitioners are complying with the conditions or not.

sd/-

23/08/2016

/ TRUE COPY /

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

SMN
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE, CANTONMENT POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S T.LENIN KUMAR Advocate SR.No.46587

GJM/AAL-MPA/SAR(III)-24.8.16-2P-6C

ORDER

IN

CRL OP(MD) No.15224 of 2016

Date :23/08/2016