



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

Wednesday, the Nineteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19852 of 2016

RAMAR

... PETITIONER/ACCUSED NO.5

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.286 OF 2012

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.SENTHIL KUMARAI AH, Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 420, 364, 395 r/w 397 IPC in Crime No.286 of 2012 on the file of the respondent police, the petitioner/A5 has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant's vehicle and robbed the company amount worth about Rs.36 lakhs.

4. It is the case of the petitioner that he is innocent and has been falsely implicated in this case.

5. Learned Government Advocate (Crl. Side) submitted that there are nine accused in this case and the petitioner is the 5th Accused and that other accused were arrested and released on bail. He would further submit that charge sheet has already been filed before the learned Judicial Magistrate, Periyakulam, which is not yet taken on file.



6. Considering the facts and circumstances of the case and also taking note of the fact that charge sheet has already been filed in this case, this Court is of the view that custodial interrogation of the petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

9. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Periyakulam subject to the following conditions:**

(i) 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 Magistrate concerned;

(ii) the petitioner shall appear before the **concerned Magistrate on all the dates of hearing without fail;**

(v) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(vi) the petitioner shall not abscond either during investigation or trial.

[vii] on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
19/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.SENTHIL KUMARAI, Advocate SR.No.61531

ORDER

IN

CRL OP(MD) No.19852 of 2016

Date :19/10/2016