



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

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20335 of 2016

KUMAR @ JEYA KUMAR

... PETITIONER/ACCUSED NO.I

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO. 46 OF 2012.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.A.P.BALASUBRAMANI, 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 offence punishable under Section 379 I.P.C. in Crime No.46 of 2012 on file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the defacto complainant is running a sound service and on 05.03.2012, his Diesel Generator was stolen by the accused.

4.Learned counsel for the petitioner submitted that petitioner is innocent and that a false case is foisted against him.

5.Learned Government Advocate (Crl. Side) submitted that A.1 and A.3 were already arrested and enlarged on bail and A.2 was granted also granted anticipatory bail by this Court in Crl.O.P(MD) No.19842 of 2016 and property has been recovered.

6.Taking note of the facts and circumstances of the case and also considering the fact co-accused were enlarged on bail, I am inclined to grant anticipatory bail to the petitioner. 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 learned Judicial Magistrate, Sathankulam 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 report before the respondent police daily at 10.30 a.m. until further orders;

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

(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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/-

25/10/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SANTHANKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
NAZARETH POLICE STATION, THOOTHUKUDI DISTRICT,

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

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.63517

ps

CSL/CK/SAR-I/10.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.20335 of 2016

Date :25/10/2016