



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

Wednesday, the Fourteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.23088 of 2016

1 PRABHAKARAN
2 BALAKRISHNAN

... PETITIONER/ACCUSED No.2 and 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT
CRIME NO.128 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.S.HAROON RASHEED Advocate

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

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

ORDER : The Court Made the following order :-

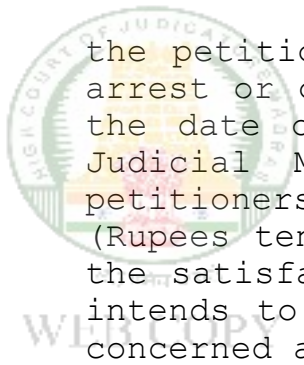
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 457 and 380 of IPC in Crime No.128 of 2015 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The learned Government Advocate (Crl.side) states that FIR was registered against unknown persons at the first instance and thereafter, A1 was arrested and released on bail by the learned Judicial Magistrate, Usilampatti and on the basis of confession given by A1, the petitioners are implicated as accused in this case and the property has not been recovered and investigation is still pending.

4.The learned counsel for the petitioners that the petitioners were not available at the time of occurrence and the second petitioner is studying in Engineering course in Bhavani Coimbatore District and he prays for grant of anticipatory bail.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly,



the petitioners 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, Usilampatti, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the 1st petitioner shall report before the respondent Police daily at 10.30 a.m until further orders and 2nd petitioner shall report before the respondent police every Sunday at 10.30 a.m. Until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial. [d] 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]**.

sd/-
14/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.S.HAROON RASHEED Advocate SR.No.80708

cm
CSL/EM/SAR-II/16.12.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.23088 of 2016
Date :14/12/2016