



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

Thursday, the Twenty Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CRL OP(MD) No.23729 of 2016

1 A.SELVAMARY

2 A.XAVIER

... PETITIONER(S) / ACCUSED NO.2,3

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
IN CRIME.NO.17 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.BHAGAVATH SINGH 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 120 B, 420, 406 and 468 IPC in Crime No.17 of 2016 on the file of the respondent police, seek anticipatory bail.

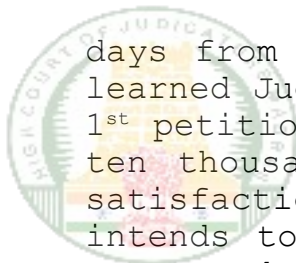
2.Heard the learned counsel on either side.

3.The case of the prosecution is that the petitioners along with other accused by giving false promise for getting job to the de facto complainant received a sum of Rs.1 lakh.

4.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.

5.The learned Government Advocate (Crl.side) submitted that already the 2nd petitioner / A3 was arrested and remanded to judicial custody. He further submitted that investigation is pending.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the 1st petitioner. Accordingly, the 1st 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 No.II, Sivagangai, on condition that the 1st 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 learned Magistrate concerned and on further condition that:

[a] the 1st petitioner shall report before the respondent Police on all Saturdays and Sundays at 6.00 pm., until further orders.

[b] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 1st petitioner 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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]**.

[e] the Criminal Original petition is dismissed as against the 2nd petitioner.

sd/-

29/12/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
IN CR.NO.17 OF 2016

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

+1. CC to M/S.G.BHAGAVATH SINGH Advocate SR.No.83705

ORDER

IN

CRL OP(MD) No.23729 of 2016

Date :29/12/2016