

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL ORIGINAL PETITION No.5071 of 2017

K.SIVAKUMAR,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
J-1, SAIDAPET POLICE STATION,
SAIDAPET, CHENNAI,
CR.NO.471/2010.

[RESPONDENT]

For Petitioner : M/S.P.SARAVANA SOWMIYAN Advocate

For Respondent : MR.R.SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 380 IPC in Crime No.471 of 2010 on the file of the respondent police and hence, prays for anticipatory bail.

2. The case of the prosecution is that the petitioner was working in the defacto complainant's shop in the year 2007-2010. At the time, the jewels belonging to the defacto complainant were stolen by the petitioner. Hence, this complaint.

3. The learned counsel for the petitioner submitted that the petitioner was working in Kasi Amman Medicals from the year 2007 to 2010. The said shop was owned by the defacto complainant. Earlier, the defacto complainant lodged a complaint that the petitioner has stolen the jewels of the defacto complainant. After the enquiry, the said complaint was closed. Therefore, the petitioner left the job in the year 2010 and settled at Coimbatore. While so, Now in 2017, the respondent-police came to Coimbatore and recorded statement from the petitioner regarding the alleged offence. He further submitted that the petitioner has no way connected with the alleged offence and he has not done anything as alleged by the prosecution.

4. The learned Government Advocate(crl.side) concedes that the earlier complaint was closed. He further submitted that after seven years, a fresh complaint has been given by the defacto complainant and the same was registered as Cr.No.471 of 2010.

5. Considering the facts and circumstances and taking note of the fact that seven years delay in giving the very same complaint, which was already closed by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

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

(i) the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** each 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 is directed to appear before **the respondent police daily at 10.00 a.m., for a period of two weeks** and thereafter, as and when required for interrogation.

-sd/-

22/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
J-1, SAIDAPET POLICE STATION,
SAIDAPET, CHENNAI,

+1 CC to M/S.P.SARAVANA SOWMIYAN Advocate on payment of
necessary charges SR.NO. 5459

CRL OP.5071/2017

Date : 22/03/2017

RD 23/03/2017