



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

Friday, the Fourth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10194 of 2017

1 M.SARAVANA PERUMAL
2 G.MOHANDASS

... PETITIONERS/ ACCUSED
RANK NOT KNOWN

Vs

THE STATE, REP.BY
INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.412/2017

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.R.P.KARUPPASAMY Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

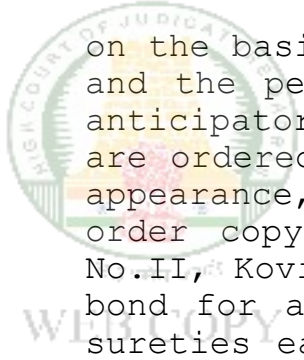
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 395 & 397 of IPC in Crime No.412 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that while selling old jewel, a wordy quarrel arose between the de facto complainant and the accused persons.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they are no way connected with any of the offences. He also submitted that their names have not been found in the F.I.R.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are nine accused and the 1st petitioner is shown as A7 and the second petitioner is not shown as accused in this case and A1, A3 & A4 were arrested. He also submitted that A2, A5, A6, A8 and A9 are still absconding and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner was arrayed as accused



on the basis of the confession of co-accused and no recovery is made and the petitioners have no previous 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 his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kovilpatti on condition that the petitioners 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 petitioners shall report before the learned Judicial Magistrate No.II, Kovilpatti daily 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/-

04/08/2017

/ TRUE COPY /

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

TA/MM

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.R.P.KARUPPASAMY Advocate SR.No.28245

GJM/CM/MSA/SAR-I-10.8.17-2P-6C

ORDER

IN

CRL OP(MD) No.10194 of 2017

Date : 04/08/2017