



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

Wednesday, the Sixteenth day of August Two Thousand Seventeen

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PRESENT

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

CRL OP(MD) Nos.10216 and 10270 of 2017

P.RAJAPANDIAN

... PETITIONER/A2

IN CRL OP(MD) No.10216 OF 2017

M.SUBRAMANIAN

... PETITIONER/A6

IN CRL OP(MD) No.10270 OF 2017

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.412 OF 2017

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.MUTHALRAJ, Advocate
IN CRL OP(MD) No.10216 OF 2017

For Petitioner : M/S.R.P.KARUPPASAMY, Advocate
IN CRL OP(MD) No.10270 OF 2017

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners / accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 395 and 398 of IPC in Crime No.412 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the accused are said to have extracted three mobile phones total value of Rs.35,000/- and as per the confession given by A1, A1 and A4 have snatched one cell phone from the de facto complainant and another two cell phones from the friend of the de facto complainant viz., Jegankumar. Further, two vehicles viz., Bolero and Indica were also seized from A3 and A1 respectively. The remaining one cell phone worth about RS.5,000/- is said to have been handed over to A2 in this case and the remaining cell phones were also not seized in this case.



3. The learned counsel appearing for the petitioners states that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. The learned counsel appearing for the petitioner in CrI.O.P(MD).No.10216 of 2017 / A2 undertakes to deposit a alleged value of cell phone i.e a sum of Rs.5,000/- to the credit of Crime No.412 of 2017 on the file of the learned Judicial Magistrate No.II, Kovilpatti, without prejudice to his contention and also show his bonafide seeking anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions would submit that the FIR was registered against one named accused and other un named accused. During the investigation, that there are totally 9 accused were implicated in this case. He would further state that the petitioner in CrI.O.P (MD).No.10216 of 2017 is arrayed as A2 and the petitioner in CrI.O.P (MD).No.10270 of 2017 is arrayed as A6 in this case. He further contended that A1 was arrested and released on bail by the concerned Magistrate, Kovilpatti; A5 is still absconding; A4 was arrested and he is in custody; and A7 and A8 were granted anticipatory bail by this Court in CrI.O.P(MD).No.10194 of 2017 as per order dated 04.08.2017 and the investigation is still pending. He would further state that A2 is having two previous cases in Crime No.22 of 2011 for the offences under Sections 294(b), 323, 498(A) and 506(ii) of IPC and Section 4 of Women Harassment Act and in Crime No.13 of 2015 for the offences under Sections 294(b) and 307 of IPC and Section 4 of Tamil Nadu Women Harassment Act. He would further state that there is no previous case against A6.

5.Considering the facts and circumstances of the case and also considering the fact that the learned counsel appearing for the petitioner / A2 in CrI.O.P(MD).No.10216 of 2017 undertakes to deposit a sum of Rs.5,000/- to the credit of Crime No.412 of 2017 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Tuticorin Distirct without prejudice to his contention, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kovilpatti, Tuticorin District and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner / A2 in CrI.O.P(MD).No.10216 of 2017 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.412 of 2017 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Tuticorin District and the petitioners shall appear before the learned Judicial Magistrate No.II, Kovilpatti daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/08/2017

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUTHALRAJ Advocate SR.No.28789

ORDER IN
CRL OP(MD) Nos.10216 and
10270 of 2017
Date :16/08/2017

MS/CM-MSA/SAR.2/17.08.2017/3P.6C