



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10229 of 2017

M.VEERABAGU

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI.
CRIME NO.548/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.DAVID GANESAN 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 petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 397 of IPC in Crime No.548 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the accused said to have entered into the 'Kerala Ayurvedic Massage Treatment Center' and have taken away two sovereigns of gold chain from the defacto complainant illegally. The said gold chain is not yet recovered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was implicated in this case as per confession given by A3 and he is no way connected with this crime.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case and the petitioner herein is arrayed as A2. He further submitted that A3 was arrested and as per his confession, the petitioner has been implicated in this case and as per the confession of A3, the robbed jewels are with A1. He also submitted that A1 and the petitioner are still absconding. He further submitted that the petitioner has not any previous case in similar type of offence and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner was implicated, as per



the confession of A3, who is in custody and as per the confession, robbed gold chain was in possession of the 1st accused and there is no previous case against the petitioner herein and FIR was registered against the unnamed accused, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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.V, Madurai on condition that the 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

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

sd/-

07/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, KARIMEDU POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.DAVID GANESAN Advocate SR.No.28316
GNS/DSS
CSL/RR-BS/SAR-I/11.08.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.10229 of 2017

Date :07/08/2017