



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

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10821 of 2017

M.MAKESHWARAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION (CRIME),
MADURAI,
CRIME NO. 892/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.BALAKRISHNAN 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 :-

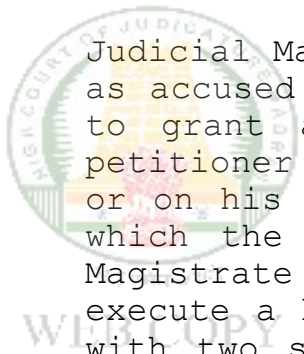
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 IPC in Crime No.892 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have snatched the cell phone of the de facto complainant worth about Rs.13,000/-.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that initially FIR was registered against 2 unnamed accused and during investigation totally 4 accused were implicated as accused and the petitioner is arrayed as A2 on the basis of the confession of A1 in this case. He also submitted that the petitioner is having two similar type of previous cases and A1, A3 & A4 were arrested and enlarged on bail by the Judicial Magistrate No.II, Madurai. He further submitted that stolen properties were recovered from A4 and investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that coaccused were enlarged on bail by the



Judicial Magistrate No.II, Madurai and the petitioner was implicated as accused based on the confession of the co 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 concerned court 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/-

21/08/2017

/ 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
S.S.COLONY POLICE STATION (CRIME),MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

NBJ

CSL/RR-BS/SAR-I/30.08.2017 : 2P/5C

ORDER

IN

CRL OP(MD) No.10821 of 2017

Date :21/08/2017