



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

Wednesday, the Thirteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12037 of 2017

YUVARAJA

... PETITIONER / ACCUSED No.3

Vs

State rep.by
THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT,
IN CR.NO.472/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

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

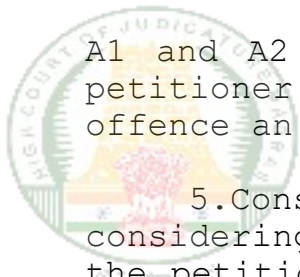
ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of I.P.C in crime No.472 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that all the accused came in a bike and the de facto complainant also came by two wheeler to purchase medicines in the medical shop, after leaving his cell phone in the pouch of the two wheeler and thereafter, he has seen that the petitioner is taken away a cell phone from the bike of the de facto complainant and handed over the same to the first accused in this case.

3. The learned counsel appearing for the petitioner states that the petitioner did not involve in any such occurrence as alleged by the de facto complainant and it is a put up case for statistical purpose. He would further state that the alleged occurrence was took place on 04.09.2017, but the complaint was given on 06.09.2017 and there is no proper reason for delay in lodging the complaint.

4. The learned Additional Public Prosecutor appearing for the respondent states that there are totally three named accused in the First Information Report and the petitioner herein is arrayed as A3. he would further state that on the confession of A1, the petitioner was arrayed as A3 and the cell phone was recovered from A1 and now,



A1 and A2 are already arrested and they are in custody and the petitioner is not having any previous case in similar nature of offence and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that based on the confession statement of A1, the petitioner was implicated in this case and that the stolen cell phone was recovered from A1 and that the petitioner is not having any previous case in similar nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Usilampatti and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Usilampatti daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

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

sd/-

13/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.30704

ORDER

IN

CRL OP(MD) No.12037 of 2017

Date :13/09/2017

SM:CM-MSA:SAR 4:18.9.2017:2P/6C