



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12088 of 2017

K.KASIMAYAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT.
CRIME NO. 833 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MITHUN CHAKRAVARTHI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

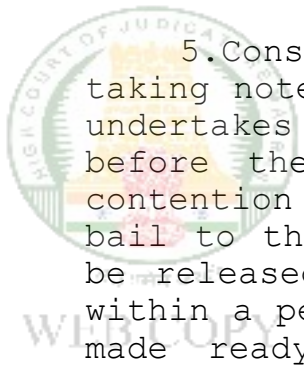
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 341, 294(b), 506(i) and 379 IPC in Crime No.833 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant was waylaid by all the accused and abused in filthy language and also threatened with dire consequences and taken away his bag containing D.D.worth about Rs.32,000/- and Rs.22,000 cash and also a cell power bank worth about Rs.5,000/-. The petitioner threatened the de facto complainant not to take part in the tender conducted by Theni Allinagaram Municipality.

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 a former Vice Chairman of Theni Allinagaram Municipality and he is one of the participant in the tender and in order to prevent the petitioner from participating in the tender process, the de facto complainant preferred the present complaint. He voluntarily agreed to deposit a sum of Rs.25,000/- in Crime No.833 of 2017 before the Judicial Magistrate, Theni without prejudice to the contention raised in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are one named and 8 others and the petitioner is arrayed as A1 in this case. He further submitted that all the accused are absconding and investigation is still pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that the learned counsel for the petitioner undertakes to deposit a sum of Rs.25,000/- in Crime No.833 of 2017 before the Judicial Magistrate, Theni without prejudice to the contention raised in this case, 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, Theni, 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).

[e]The petitioner is directed to deposit a sum of Rs.25,000/- in Crime No.833 of 2017 before the Judicial Magistrate, Theni without prejudice to the contention raised in this case.

sd/-
14/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.MITHUN CHAKRAVARTHI Advocate SR.No.30773

ORDER IN
CRL OP(MD) No.12088 of 2017
Date :14/09/2017