



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

Wednesday, the Twenty Second day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

WEB COPY

CRL OP (MD) No.1439 of 2017

JESURAJ

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
SIPCOT,
THOOTHUKUDI DISTRICT
CR NO. 270 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 381 of IPC in Crime No.270 of 2016 on the file of the respondent Police, seek anticipatory bail.

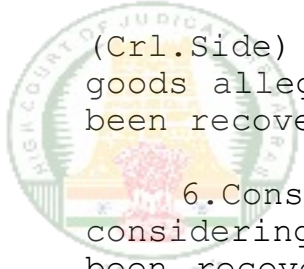
2.Heard the learned counsel on either side.

3.The case of the prosecution is that the Petitioner is alleged to have borrowed waste green peas after paying a sum of Rs.2,10,000/- as advance from the defacto complainant's go-down through the Go-down Supervisor without having proper receipt and sold the same illegally by the first accused.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner. He would further submit that the earlier Anticipatory Bail filed by him was dismissed on 4.11.2016 and that the first accused in the crime has already been granted the relief of anticipatory bail by the jurisdictional court.

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

5. Heard the submissions of the learned Government Advocate



(Crl.Side) on the above submissions and he would submit that the goods alleged to have been taken down by the Petitioner has already been recovered from him.

6.Considering the facts and circumstances of the case and also considering the fact that the alleged property/goods had already been recovered from him and that the first accused in this crime had already been granted the relief of anticipatory bail, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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/-
22/02/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
THOOTHUKUDI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
 - 3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
SIPCOT,THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.9917
VSN
PSM/PM-PN/SAR1/28.02.2017/2P/6C