



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16584 of 2017

1 MUTHUKUMAR
2 SANKAR

... PETITIONERS/A1 AND A2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
TEHNI DISTRICT.
CRIME NO. 477/2017.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.K.VIDYA, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

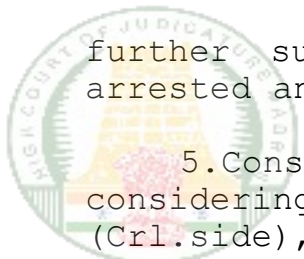
ORDER : The Court Made the following order :-

The petitioners herein, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C., in Crime No.477 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein and other accused persons joined together and gave a false promise to the defacto complainant that they would sell the auto to third parties with good profit and on such belief, the defacto complainant gave the auto, but the petitioners and other accused sold the auto for a sum of Rs.30,000/- but they did not repay the same to the defacto complainant, thereby, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. However, the learned counsel for the petitioners agrees to deposit a sum of Rs.5000/- (Rupees five thousand only) each to the credit of the Crime No.477 of 2017 before the learned Judicial Magistrate, Periyakulam, Theni District without prejudice to their contention.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the auto was recovered from the petitioners. He



further submitted that the other accused persons were already arrested and released on bail and investigation is completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners are directed to pay a sum of Rs.5,000/- each to the credit of Crime No.477 of 2017 before the learned Judicial Magistrate, Periyakulam, Theni District without prejudice to their contention and thereafter the Judicial Magistrate shall accept the sureties.

(ii)the petitioners shall report before the respondent police as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not abscond either during investigation or trial.

(vi) the petitioners shall not commit any offence while on bail;

(vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
04/12/2017

/ TRUE COPY /

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



TO

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

+1. CC to M/S.P.MAHENDRAN Advocate SR.No.35490

ORDER IN
CRL OP(MD) No.16584 of 2017
Date :04/12/2017

MS/CM-VR/SAR.1/07.12.2017/3P.6C