



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17219 of 2017

S. SOLAI PANDI

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMNAD DISTRICT
CR NO. 461/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.BABU JAGANATH Advocate

For Respondent : Mr.M.MURUGAN, Govt. Advocate for
Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

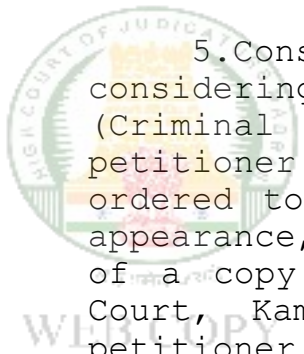
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of I.P.C., in Crime No.461 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused break open the TASMAC shop and stolen liquor bottles worth about Rs.30,000/- (Rupees Thirty Thousand only). Thereby, the defacto complainant lodged a complaint against the petitioner and other accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He would further submit that even in the FIR, the petitioner's name was not mentioned and only based on the confession statement of A1, the law enforcing agency registered a case against the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that A1 was arrested and based on his confession statement, the petitioner was implicated in this case. He requested this Court to impose stringent condition to the petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.461 of 2017 before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram District, without prejudice to his defence before the trial Court within a period of two weeks from the date of receipt of copy of this order. After such deposit, the trial Court shall accept the sureties furnished by the petitioner.

(ii) the petitioner shall report before the respondent police, daily at 10.30 p.m., for a period of four weeks, and thereafter, as and when required for interrogation;

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

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

(v) the petitioner shall not abscond either during investigation or trial;

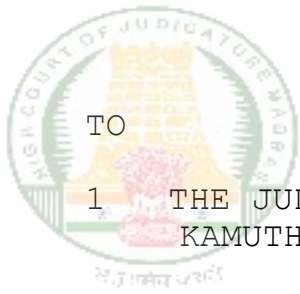
(vi) the petitioner shall not commit any offence while on bail;

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

sd/-

14/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMNAD DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to MR.R.BABU JAGANATH Advocate SR.No.36212

JAM/22.12.17/PM/ SAR 3 / 3p-6c

ORDER

IN

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Date :14/12/2017