



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17608 of 2017

VIJESH

... PETITIONER / ACCUSED NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.470 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

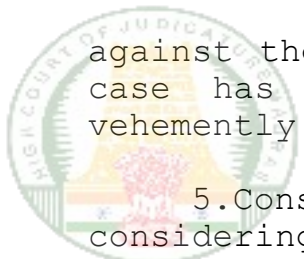
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Sole Accused, apprehends arrest at the hands of the respondent police for an offence punishable under Section 379 of I.P.C., in Crime No.470 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.11.2017, the respondent police registered a case against the petitioner based on the complaint given by the Revenue Divisional Officer (RDO) alleging that the accused had stolen three lorry batteries worth about Rs.20,000/- each. Accordingly, the petitioner was arrested on 13.11.2017 and remanded to judicial custody. After 27 days of judicial custody, the petitioner was released from the aforesaid Crime Numbers.

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 in fact the petitioner was arrested on 13.11.2017 in connection with Crime No.367 of 2017 by the Kulashekaram police and obtained his confession statement. Based on his confession statement, the respondent police has registered the present case against the petitioner in Crime No.470 of 2017. He submitted that the petitioner is ready to abide any condition imposed by this Court.



against the petitioner and based on his confession statement, this case has been registered against the petitioner. However, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, 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 No.I, Nagercoil, Kanyakumari 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.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.470 of 2017 before the learned Judicial Magistrate No.I, Nagercoil, 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 two 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;

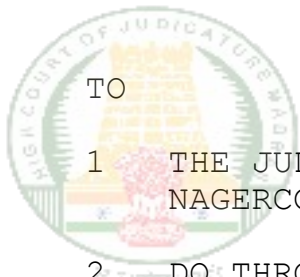
(vi) the petitioner shall not commit any offence while on bail;

(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/-
21/12/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.36778

ORDER

IN

CRL OP(MD) No.17608 of 2017

Date :21/12/2017

MKV-RR-SAR 3/27.12.2017/3P-6C