



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18000 of 2017

A.FRANKLIN MOSES

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, CANTONMENT,
TRICHY. CRIME NO.2154 OF 2017. ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.KARTHICK SUBRAMANIAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC in Crime No.2154 of 2017 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner and another accused have stolen the bag of the defacto complainant fled away from the scene of occurrence on a TVS XL Super Vehicle. Hence, the defacto complainant gave a complaint before the respondent police as against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. Learned Government Advocate (Crl. Side) would submit that the petitioner has no previous cases. He further submitted that the 1st accused was arrested and the property involved in this case was recovered from him and he is still in judicial custody.

5. Considering the facts and circumstances of the case and taking note of the fact that petitioner has no previous case and the property involved in this case has already been recovered, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, **before the Judicial Magistrate No.II, Trichy District, on his** executing 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 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/-

28/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE II, TRICHY DISTRICT

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, CANTONMENT, TRICHY.

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

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.37119

ORDER IN

CRL OP(MD) No.18000 of 2017

Date :28/12/2017