



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL OP(MD) No.5640 of 2017

MARIMUTHU,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
ALWAR THIRU NAGARI POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.49 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK 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 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC in Crime No.49 of 2017 on the file of the respondent police, seeks anticipatory bail.

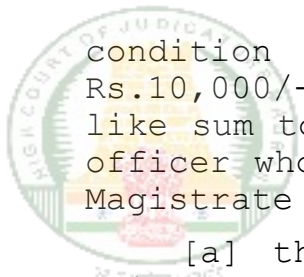
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3.The allegation against the petitioner is that he indulged in theft of sand using his TVS 50 motor cycle.

4.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and that anticipatory bail may be granted to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that no previous case is pending against the petitioner.

5.Having regard to the fact that no previous case is pending against the petitioner, this Court is 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, Srivaikundam on



condition that the petitioner shall execute 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 learned 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 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/-

04/05/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
ALWAR THIRU NAGARI POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.21877

GJM/BS/SAR-4-5.5.17-2P-6C

ORDER

IN

CRL OP(MD) No.5640 of 2017

Date :04/05/2017