



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

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9530 of 2017

I.VIJAYA KUMAR

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.96/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

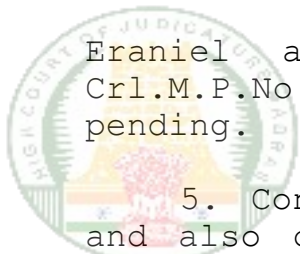
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 380 and 457 of IPC., in Crime No.96 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the accused are said to have broken the wine shop situated in Kurunthancode and have committed the theft of 137 liquor bottles worth about Rs.58,458/- and the said liquor bottles were recovered from A4 and A6.

3. The learned counsel appearing for the petitioner states that the petitioner's name does not find place in the FIR. There is no specific allegation levelled against the petitioner in the FIR and there was a protest in the neighbourhood against the TASMAC shop at Peyankuzhi and later it was shifted to Kurunthancode and that was opposed by general public and there was a wide protest against the new shop also. Suspecting that the petitioner was also involved in the said protests, as a warning the present false case had been put up and he had been falsely implicated in this case and the petitioner is a innocent person and he had no bad antecedents.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered as against the unnamed accused, on confession of A4 viz., Vignesh, the petitioner is implicated in this case and the petitioner herein is arrayed as A3. He would further submit that A1 is still absconding, A4 and A6 were arrested and released on bail in Crl.M.P.No.6905 of 2017 dated 18.07.2017 by Judicial Magistrate,



Eraniel and A2 and A5 were granted anticipatory bail in CrI.M.P.No.2548 of 2017 dated 26.07.2017 and the investigation is pending.

5. Considering the above facts and circumstances of the case and also considering the fact that, co-accused were already been granted bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Eraniel, 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 the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
10/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.28555

ORDER
IN
CRL OP(MD) No.9530 of 2017
Date :10/08/2017