



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

Tuesday, the Third day of January Two Thousand Seventeen

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PRESENT

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

CRL OP(MD) No.24055 of 2016

G. KANAKARAJ,

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.651 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KARTHIKEYAN Advocate

For Respondent : MR.P.KANDASMY, 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 in Crime No.651 of 2016 on the file of the respondent police for the offence under Sections 41(1)(d) of Cr.P.C @ 457 and 380 of I.P.C apprehend arrest at the hands of the respondent police, seeks anticipatory bail.

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

3. The learned counsel for the petitioner states that earlier the case was registered under Sections 41(1)(d) of Cr.P.C and subsequently, the Sections were altered into under Sections 457 and 380 of I.P.C and the petitioner herein was not implicated as accused in the F.I.R itself.

4.The learned Government Advocate(Crl. Side) on instructions submitted that there are totally three accused in this case and A-1, who is the Manager of the Cracker Shop was arrested and is in custody and A-2 is the wife of the petitioner herein and she was granted anticipatory bail by this Court as per the order passed in Crl.O.P(MD)No.23249 of 2016 on 15.12.2016 and the petitioner herein is arrayed as A-3 in this case and he has been implicated in this case as per the confession statement given by A-1, who is the Manager of the Cracker Shop belongs to the petitioner herein.



5. The learned counsel for the petitioner submitted that now the petitioner is admitted in Appollo Hospital, Madurai since he was diagnosed to have necrotizing pancreatitis and is in the critical care unit and is in need of further investigation and management for a minimum period of one month. The certificate issued by the concerned hospital is also produced for perusal of this Court.

6. The learned Government Advocate(Crl. Side) admits that the petitioner is admitted in Appollo Hospital and he further submitted that the High Court of Judicature at Madras has also released the petitioner in some other case, on bail in Crl.O.P(MD)No.26464 of 2016 in view of the medical condition of the petitioner herein. He further submitted that the investigation is still pending in this case. He further submitted that the petitioner is the kingpin of the occurrence for the alleged theft of idols. It is alleged that three idols were unearthed from the property belonging to the petitioner's wife.

7. Considering the above facts and circumstances of the case and also medical condition of the petitioner herein, this Court is 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 before the learned Chief Judicial Magistrate, Srivilliputhur and 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police on receipt of summons whenever his presence is required for interrogation in this case. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of one week from the date of discharge from the hospital, failing which, the petition for anticipatory bail stands dismissed.

sd/-

03/01/2017

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



3 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

+1. CC to M/S.V.KARTHIKEYAN, Advocate SR.No.418

ORDER

IN

CRL OP(MD) No.24055 of 2016

Date :03/01/2017

AM/SKN/SAR-3/09.01.2017/3P/5C