



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

Friday, the Twenty Eighth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9773 of 2017

JOSE @ ARUL JOSE

... PETITIONER/RANK NOT KNOWN

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.

CRIME NO.96 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.RUSSEL RAJ Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

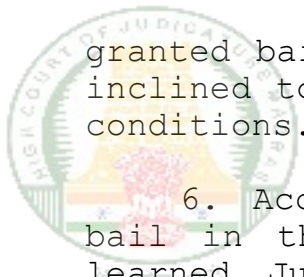
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 of IPC., in Crime No.96 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused break opened the shutter of the TASMAL Shop and taken away 9 box of liquor.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution, worth about to Rs.58,456/-.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered against unnamed accused and during investigation, the name of the petitioner has been implicated in this case, as per the confession given by A4 and A6. The accused in this case taken away the liquor bottles worth about to Rs.58,456/- and latter some liquor bottles, worth about to Rs.4,840/- were recovered from A4 and A6 and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner herein has been implicated on the basis of the confession given by the co-accused and some liquor bottles were recovered and the co-accused was



granted bail by the concerned Judicial Magistrate, 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, Kanyakumari District, 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, for interrogation. 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/-
28/07/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH 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.R.RUSSEL RAJ Advocate SR.No.27645

ORDER
IN
CRL OP(MD) No.9773 of 2017
Date :28/07/2017

MS/CM-MSA/SAR.2/01.08.2017/2P.6C