

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9824 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offence alleged under Section 379 IPC.

2. Heard learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 having argued for some time, would submit that the petitioner is apprehending application of third degree measures by police and therefore, he may be protected to that extent at least.

4. As per the material available on record, there is commission of theft of gold ornaments, cash, mobile phone etc., belonging to the de facto complainant. Gold ornaments are not yet recovered. A2 and A3 were arrested and interrogated.

5. Under these circumstances, it is not a fit case to grant anticipatory bail to the petitioner under Section 438 Cr.P.C.

6. As, it is brought to the notice of this Court that A1 is ready to surrender before the concerned police. On such surrender, the police shall not in any way apply third degree measures. Without doing so, they can investigate the petitioner-A1 in accordance with law and the procedure established.

7. Accordingly, the Criminal Petition is disposed of.

DR.SHAMEEM AKTHER, J

DATED: 30-10-2017

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