

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13772 of 2018

1 J.SEENI

[PETITIONERS / ACCUSED]

2 RAMRAJ

3 KUMAR

4 MUNIYAN @ MADHU

Vs

STATE OF TAMIL NADU REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

THOLASAMPATTI POLICE STATION,

SALEM DISTRICT.

CR.NO.54/2018

For Petitioner : M/S.P.VEERARAGHAVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC, in Crime No.54 of 2018, seek anticipatory bail.

2. The petitioners are arrayed as A3 to A6. The case of the prosecution as per the de-facto complainant Rama Gounder is that the petitioners along with the other accused, committed the theft of 8 goats.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that main accused A1 and A2 were arrested and they have been enlarged on bail. He would submit that the petitioners happen to be the friends of A1 and they have been falsely implicated in this case. He would further submit that to prove their *bona fides*, the petitioners are prepared to deposit a sum of Rs.4,000/- each at the time of executing sureties.

4. The learned Additional Public Prosecutor submitted that the petitioners, along with other accused, committed theft of 8 Goats belonging to the *defacto* complainant. He would submit that A1 and A2 were arrested and released on bail.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also that the petitioners are prepared to deposit a sum of Rs.4,000/- each, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Omalur, Salem District, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] each of the petitioner shall make a deposit of Rs.4,000/- (Rupees Four Thousand only) totalling to Rs.16,000/- (Rupees Sixteen Thousand only) to the credit of Crime No.54 of 2018, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate concerned shall accept the sureties furnished by the petitioners;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
OMALUR, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THOLASAMPATTI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.P.VEERARAGHAVAN Advocate on payment of necessary charges SR.NO. 10289

CRL OP.13772/2018

Date :06/06/2018

RD 12/06/2018