

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.14417 of 2018

1 VEERAMANI,
2 SIVAKUMAR @ SIVA,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
S5-PALLAVARAM POLICE STATION,
CHENNAI. CR. NO. 202 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED YASIN Advocate

For Respondent : MRS.M.PRABHAVATHI, 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.202 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are said to have stolen the battery of the vehicle viz., "Kutty Yanai" belonging to the defacto complainant.

3. The learned counsel for the petitioners submitted that they have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor submitted that the stolen article has been recovered. She further submitted that the substantial part of the investigation is completed in this case. However, she strongly opposed this petition.

5. Having regard to the nature of allegations against the petitioners and the fact that substantial part of the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioners.

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, Tambaram, on condition that each of the petitioners 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:

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

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

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

[d] 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]**.

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

-sd/-
31/05/2018

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S5-PALLAVARAM POLICE STATION,
CHENNAI.

+1 CC to M/S.M.MOHAMED YASIN Advocate on payment of necessary charges-Sr.9719

CRL OP.14417/2018

Date :31/05/2018

ths : 05.06.2018