



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1051 of 2018

BALAKUMAR

... PETITIONER/ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE
MANDALAMANIKAM POLICE STATION,
RAMANTHAPURAM DISTRICT,
IN CR.NO. 99 OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SIVAPRAKASH Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A4, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 387 I.P.C., in Crime No.99 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused extorted a sum of Rs.2,000/- from the defacto complainant. Hence, the present complaint is registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the amount which was extorted from the defacto complaint during the time of occurrence has been recovered from A2 by the respondent police. There is no previous case is pending against the petitioner. According to him, investigation is not completed.



5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offence punishable under Section 387 IPC. Considering the submission made by the learned Government Advocate (CrI.side) that the extorted amount has been recovered from A2, so, custodial interrogation of the petitioner is not necessary for completing the investigation.

6.Considering the facts and circumstances of the case and taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

sd/-
23/01/2018

/ TRUE COPY /



smu/msa

TO

1 THE JUDICIAL MAGISTRATE, KAMUTHI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDALAMANIKAM POLICE STATION, RAMANTHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVAPRAKASH Advocate SR.No.1330

GJM/CM/VR/SAR-I-30.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.1051 of 2018

Date :23/01/2018