



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP (MD) No.1533 of 2018**

1 S.SENTHIL KUMAR  
2 VENKATESH

... PETITIONERS/A1 AND A2

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
TIRUNELVELI JUNCTION POLICE STATION,  
TIRUNELVELI CITY.  
IN CRIME .NO.782/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.SATHYA CHIDAMBARAM Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

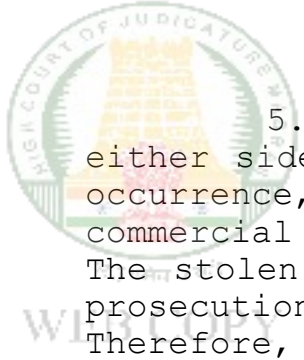
ORDER : The Court Made the following order :-

The petitioners / A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 447, 451, 380, 294(b), 385 & 506(ii) IPC in Crime No.782 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused broke open the shop of the de facto complainant and took away some articles. Hence, the present complaint is lodged.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that the stolen properties have not been recovered. According to him, investigation is still pending.



5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein unlawfully entered into the commercial complex and hence, they committed the offence of theft. The stolen properties worth about Rs.1,00,000/-. According to the prosecution, the said properties have not been recovered so far. Therefore, for the offence punishable under Section 380 IPC, the recovery of stolen properties is necessary.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE,  
TIRUNELVELI JUNCTION POLICE STATION,  
TIRUNELVELI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1533 of 2018

Date :08/02/2018

PK/PM-PN/SAR-4/23.02.2018 : 2P/3C