



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1656 of 2018

1 S. CHIDAMABARAM

2 S. THIRUGNANASAMBANTHAM @ SAMBATH

... PETITIONERS / ACCUSED NO.3 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE (CRIME),
SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY.

IN CR. NO. 1043/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SOLAISAMY Advocate

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

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

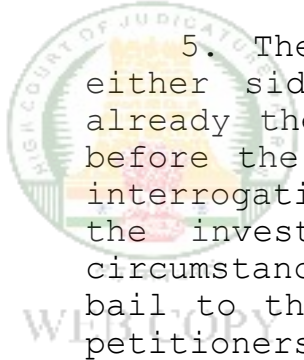
ORDER : The Court Made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 (NP) of I.P.C., in Crime No.1043 of 2017, seek anticipatory bail.

2.The case of the prosecution is that due to the dispute between the petitioners and the defacto complainant regarding to run the hotel, a Civil Suit in O.S.No.691 of 2017 is pending before the District Munsif Court, Madurai, now the defacto complainant filed a complaint before the respondent police as if the petitioners entered into the hotel and committed a theft of articles worth about Rs.5,00,000/-. Hence, the case has been registered for the above said crime.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that there was a civil dispute between the petitioners and the defacto complainant, which is pending before the Court below. He further submitted that the investigation is in progress.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that in this regard, already there was a civil Suit in O.S.No.691 of 2017 is pending before the District Munsif Court, Madurai. Accordingly, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 No.IV, Madurai, on condition that each of the petitioners 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 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/-

02/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE (CRIME),
SUBRAMANIPURAM POLICE STATION, MADURAI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SOLAISAMY Advocate SR.No.45946

ORDER IN

CRL OP(MD) No.1656 of 2018

Date :02/02/2018