



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.166 of 2018

T.VELU

... PETITIONER/ A-2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION,
THANJAVUR.
(CRIME NO.303/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.SENTHIL KUMAR, Advocate
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Heard both sides.

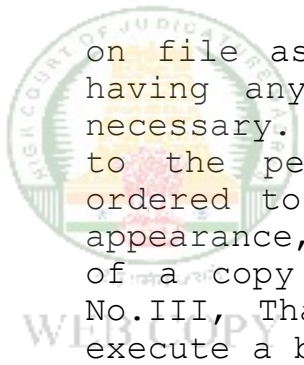
2.The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 457 and 380 I.P.C., in Crime No.303 of 2015, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that the petitioner and other accused persons in this occurrence are stolen away the iron pipe belonging to the defacto complainant, thereby, the said complaint has been given by the defacto complainant.

4.The learned counsel appearing for the petitioner submitted that the petitioner was working in the barber shop. He further submitted that the petitioner is an innocent person, he has not involved in the said case and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

5.The learned Additional Public Prosecutor submitted that as of now, the charge sheet was filed, after completing the investigation and there is no previous case is pending against the petitioner.

6. Considering the submissions made on either side, it disclose that the offences under Sections 457 and 380 I.P.C., in Crime No.303 of 2015 has been registered against the petitioner. As per the case of the prosecution, as of now, charge sheet was filed after completing the investigation. Furthermore, the same has been taken



on file as C.C.No.151 of 2017. Admittedly, the petitioner is not having any previous case. Hence, custodial interrogation is not necessary. Hence, 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 No.III, Thanjavur District, 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 learned Judicial Magistrate No.III, Thanjavur District daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-
08/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION, THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.SENTHIL KUMAR Advocate SR.No.262

ORDER IN
CRL OP(MD) No.166 of 2018
Date :08/01/2018