



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

Tuesday, the Sixth day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1803 of 2018

1 JEBARAJ,
2 RAMESHBABU,
3 SUSI.TAMILPANDIAN,

... PETITIONERS/ACCUSED No.6,7 & 8

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI.
(CRIME NO.4 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.K.APPADURAI Advocate

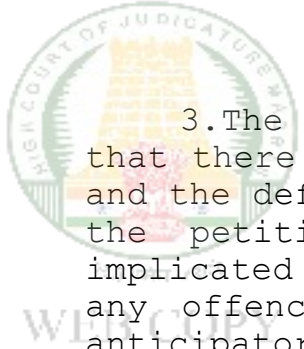
For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A6, A7 & A8, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 120-B, 147, 148, 448, 379(NP), 294(b), 506(ii)I.P.C., and Section 3 (1) of TNPPDL, in Crime No.4 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the tenant of petitioners' client A.M.S.Natarajan and carrying on lorry service office in the ground floor. A.M.S.Natarajan/A1 is the owner of the building. There is some dispute between the first accused and the defacto complainant regarding eviction. Therefore, the defacto complainant filed a suit before the learned District Munsif, Theni in O.S.No.76 of 2017. On 02.10.2017, the defacto complainant went to Madurai for taking treatment for his wife, thereby, the lorry office was handed over to his brother, namely, Kanagavel. At that time, the accused persons were broke open the lock and stolen away the household articles worth about Rs.3,00,000/-. Moreover, they were taken away a sum of Rs.18,000/- and 18 ½ sovereigns of gold from the building. On such circumstance, the brother of the defacto complainant questioned the same, thereby, the first accused threatened him with dire consequences. Therefore, case has been registered against the accused persons.



3. The learned counsel appearing for the petitioners submitted that there is no personal dispute or motive between the petitioners and the defacto complainant on any manner. He further submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not involved any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that there are totally 13 accused in this case, 8 named accused and 5 unnamed accused. The petitioners herein are advocates. During the time of occurrence, A1 and other accused persons stolen away the household articles worth about Rs.3,00,000/-, cash of Rs.18,000/- and 18 ½ sovereigns of gold from the defacto complainant's house, as of now, portion of the properties were recovered. According to him, investigation is still pending.

5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioners along with others accused persons wrongfully entered into the house of the defacto complainant and committed theft of household articles worth about Rs.3,00,000/-, cash of Rs.18,000/- and 18 ½ sovereigns of gold from the defacto complainant's house. According to prosecution, as of now, the portion of the properties were recovered. Further in this case, the first and fifth accused got anticipatory bail by this Court in Crl.O.P(MD).Nos.16262 of 2017 and 17023 of 2017, dated 05.12.2017 and 03.01.2018 respectively. So, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Theni on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent Police daily at 10.00 a.m. Until further orders.

(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.



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 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/-
06/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI
 - 2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
 - 3 THE DEPUTY SUPERINTENDENT OF POLICE, CBCID, MADURAI.
 - 4 THE DISTRICT MUNSIF
THENI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S.K.APPADURAI Advocate SR.No.1997

ORDER
IN
CRL OP(MD) No.1803 of 2018
Date :06/02/2018

SMA/PM-PN/SAR-4/13.02.2018:3P/7c