



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

Wednesday, the Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1853 of 2018

M.MUTAMIL SELVAN

... PETITIONER/ACCUSED
(NOT KNOWN)

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.461 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH, Advocate

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

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

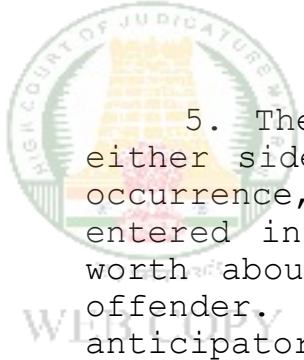
ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 of IPC., in Crime No.461 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused break open the TASMAC shop and stolen Alcohol bottles. Hence, the present case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner and other accused stolen IMFL bottles from the TASMAC shop worth about Rs.30,000/-. Further, he added that the stolen properties were not recovered by the respondent police from the accused persons. According to him, investigation is in progress.



5. The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner along with other 5 accused unlawfully entered into the TASMACH shop and committed theft of IMFL bottles worth about Rs.30,000/-. Admittedly, the petitioner is the first offender. The other two accused in this case were granted anticipatory bail by this Court. Therefore, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram 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 deposit a sum of Rs.5,000/- to the credit of Crime No.461 of 2017, on the file of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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 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/-

07/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, KAMUTHI, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.2132

ORDER

IN

CRL OP(MD) No.1853 of 2018

Date :07/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/6C