



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.1956 of 2018**

JEYAKUMAR

... PETITIONER/ACCUSED No.4

Vs

THE INSPECTOR OF POLICE,  
DEVAKOTTAI TALUK POLICE STATION,  
SIVAGANGAI DISTRICT.  
IN CRIME NO.95 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.M.SANJAY, 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/A4, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 341, 427, 294(b), 323, 506(i), 379 I.P.C., and Section 4 of TNPWH Act, in Crime No.95 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 02.05.2017, the petitioner and other accused had committed the theft of Undiyal amount, when the same was questioned by the defacto complainant, the petitioner and other accused abused him by using the filthy language and threatened the defacto complainant with dire consequences. Hence, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he had not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are 8 accused in this case. The petitioner is arrayed as A4. After completing investigation, charge sheet has been filed and the same was taken on



file as C.C.No.191 of 2017 on the file of Judicial Magistrate, Devakottai.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and seven other accused committed the theft of Undiyal amount. According to prosecution, as of now after completing investigation, charge sheet has been filed and the same was taken on file as C.C.No.191 of 2017 by the Judicial Magistrate, Devakottai. Hence, the question of custodial interrogation does not arise, so, this Court is inclined to grant anticipatory bail to the petitioner. 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, Devakkottai, Sivagangai 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 concerned Magistrate Court daily at 10.00 a.m for a period of two 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 petitioners 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/-  
08/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
DEVAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,  
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.M.SANJAY Advocate SR.No.2120

ORDER

IN

CRL OP(MD) No.1956 of 2018

Date :08/02/2018

PK/RR-CSL/SAR-1/14.02.2018 : 3P/6C