



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

Monday, the Twelfth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2126 of 2018

1 J.V.PRATHEESH
2 S.SHAJIN WESLY

... PETITIONERS/ACCUSED 1 and 2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO. 51 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.K.RAJESHWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

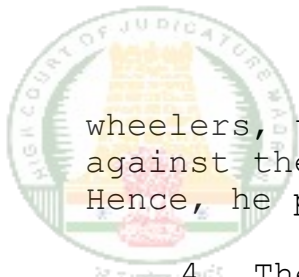
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 452, 294(b), 323, 506(i) and 379 of IPC., in Crime No.51 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a practising advocate. On 05.02.2018, the defacto complainant and his uncle was standing in front of his uncle's house, at the time, the petitioners and other accused trespassed into his uncle's house and abused them, when the same was questioned by the defacto complainant, they assaulted him and snatched his 5 ½ sovereign gold chain and left the place of occurrence. Hence, the case has been registered against the petitioners and other accused for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that during the time of occurrence, the defacto complainant committed theft of Rs.5,000/- from the first petitioner, a spectacle worth about Rs.4,000/- and the petitioners' two



wheelers, thereby, a case has been registered in Crime No.51 of 2018 against the defacto complainant. This is a case and case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the theft articles are not yet recovered and the investigation is at initial stage.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, due to the previous enmity over the money transaction, the petitioners assaulted the defacto complainant and committed theft of 5 ½ sovereign gold chain worth about Rs.1,43,000/-. According to the prosecution, the property which has been stolen away during the time of occurrence was not recovered. So for completing the investigation, recovery of the stolen property is very much necessary. In such circumstances, if anticipatory bail is granted in favour of the petitioner, the process of investigation must be prejudiced. Hence, considering the above said facts and other circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP (MD) No.2126 of 2018
Date :12/02/2018

SMA/RR-CSL/SAR-4/15.02.2018:2P/3c