



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2625 of 2018

1 MUNIYASAMY @ VELLAIYAN
2 SELVAM
3 ESAKKIMUTHU
4 SELVAGANESH
5 KARNAN
6 MUNIYASAMY
7 CHELLAIYA

... PETITIONERS / ACCUSED NO.1 TO 7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.26 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.J.JEYAKUMARAN Advocate

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

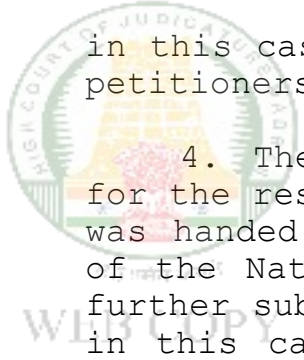
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 380 and 506(i) I.P.C., in Crime No.26 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the Natanmai of Sri Kaliyamman Temple, Othapatti Village lodged the complaint stating that last year in the month of Aadi, they collected money from the public to the tune of Rs.2,68,580/-, kept the same in the Temple Bureau and the key was handed over to one Veerammal. After a few days, when the temple Bureau was opened before the Natanmai, they found that someone has been looted the money. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the offence, as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated



in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the Bureau key was handed over to one Veerammal and thereafter at the instruction of the Natanmai, the key was handed over to one Periya Pandi. He further submitted that on suspicious, the petitioners are implicated in this case and the investigation is going on. According to the prosecution, the stolen amount was not recovered so far.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, a sum of Rs.2,68,580 was stolen away from the Bureau, which was kept in the temple. On go through the entire averments made in the FIR, it reveals that the key of the Bureau was handed over to one, Veerammal, subsequently, the same was handed over to one Periya Pandi. Those two persons are not at all arrested and they have not been filed any application for anticipatory bail. According to the petitioner's averments, these petitioners are not having any allegation in the complaint given by the defacto complainant. According to the prosecution, only on suspicious, the petitioners were added as accused in this case. Hence, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners 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 No.II, Srivilliputhur, on condition that each of the petitioners 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 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;

(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 petitioners in accordance with law as if the conditions have been imposed and the



petitioners 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/-
20/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.2742

ORDER
IN
CRL OP(MD) No.2625 of 2018
Date :20/02/2018

MKV-CM-SAR 4/26.2.2018/3P-6C