



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2637 of 2018

M.SARAN

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.275 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SHAKUL HAMEED, 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, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 457 and 380 of IPC., in Crime No.275 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused broke open the TASMAL Shop No.7682, Keeladi, Sivagangai District and taken away the liquor bottles. Hence, the case has been registered against the accused for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions would submit that the investigation is still pending and the stolen properties are not fully recovered.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and 4 other accused committed the theft of IMFL liquor bottles worth about Rs.1,74,000/- from the TASMAL shop. As of now, a portion of the stolen property was recovered. Further, except this petitioner, other accused in this case were arrested and released on bail. Hence, considering the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Manamadurai, 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 respondent police daily at 10.00 a.m., until further orders;
- (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 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/-
20/02/2018

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MANAMADURAI,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.M.SHAKUL HAMEED Advocate SR.No.2728

ORDER

IN

CRL OP (MD) No.2637 of 2018

Date :20/02/2018

PK/PM-PN/SAR-2/26.02.2018 : 3P/6C