



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2692 of 2018

1 J.V.PRATEESH
2 S.SHAJIN WESLY

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CR.NO.51/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JERIN MATHEW, 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, who are arrayed as accused nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences 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 petitioners and other accused are said to have trespassed in to the defacto complainant's uncle house and abused them in filthy language, when the same was questioned by the defacto complainant, they have snatched his 5½ sovereigns of gold chain and left from the scene of occurrence. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, on 05.02.2018, the defacto complainant and his uncle was



standing in front of his uncle's house and at that time, the petitioners and other accused trespassed into his uncle's house and abused them, when the same was questioned by the defacto complainant, the petitioners and other accused in this case assaulted him and snatched his 5 ½ sovereigns of gold chain.

6. Today, the Investigating Officer is present and made submissions with regard to the stolen property of 5 ½ sovereigns of gold chain. It was identified as false and to that effect he filed a copy of the alteration report to show his bonafides. As of now, the investigation of the case is pending, with regard to offence under Section 452, 294(b), 323 and 506(i) of IPC. Only. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. 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, Valliyoor, Thirunelveli District, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

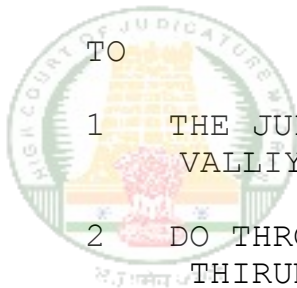
- (i) the petitioners shall appear before the Inspector of Police, Thuckalay Police Station, Kanyakumari District, daily 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either 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 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/-

05/03/2018

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, THIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

COPY TO:-

THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT

+1. CC to M/S.M.S.P.VEERAMANI Advocate SR.No.3447

trp
JAM/12/03/2018/ CM-VR / SAR 2 / 3p-7c

ORDER
IN
CRL OP (MD) No.2692 of 2018
Date :05/03/2018