



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.270,272,273 and 274 of 2018

S.PARTHEEBAN

... PETITIONER/ACCUSED No.RANK NOT KNOWN
IN ALL THE PETITIONS

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
RADHAPURAM,
TIRUNELVELI DISTRICT.
IN CRIME NO.114/2017

... RESPONDENT/COMPLAINANT
IN CRL.OP (MD) No.270/2018

IN CRIME NO.131/2017

... RESPONDENT/COMPLAINANT
IN CRL.OP (MD) No.272/2018

IN CRIME NO.132/2017

... RESPONDENT/COMPLAINANT
IN CRL.OP (MD) No.273/2018

IN CRIME NO.133/2017

... RESPONDENT/COMPLAINANT
IN CRL.OP (MD) No.274/2018

For Petitioner : M/S.V.RAJIV RUFUS , Advocate
IN ALL THE PETITIONS

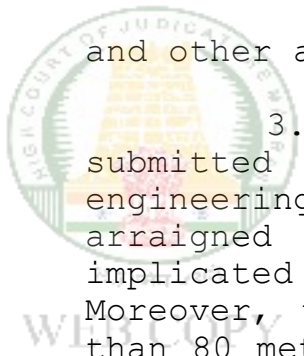
For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner/Rank not known, apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 I.P.C., in Crime Nos.114, 131, 132 and 133 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the accused persons
<https://hcservices.ecourts.gov.in/hcservices/>
stolen copper cable wires belongs to the defacto complainant's Mill.
Thereby, the respondent was registered a case against the petitioner



and other accused persons for the offence under Section 379 I.P.C.,

3. The learned counsel appearing for the petitioner submitted that petitioner is a college student and pursuing engineering course at Nagercoil. Based on suspicion, some youth were arraigned as accused. Further the petitioner has been falsely implicated as an accused without any link in the said allegations. Moreover, the height of the tower of the wind mill would be more than 80 meters, thus stealing wires from such a height without help of any mechanical instrument is highly impossible. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The defacto complainant purportedly roped the petitioner into this case to give harassment to the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that in the alleged occurrence, there are totally seven cases has been registered by the respondent police against the petitioner. Out of seven cases, three cases in Crl.M.P.Nos. 1771, 1886 & 1888 of 2016, the petitioner was already granted anticipatory bail by the learned Principal Sessions Judge, Tirunelveli.

5. Considering the submissions made on either side, it disclose that the offence under Section 379 I.P.C., in Crime Nos.114, 131, 132 and 133 of 2017, has been registered against the petitioner. According to the prosecution of the case that during the time of alleged occurrence, the petitioner and other accused persons in these cases have committed theft of copper cable wires from the Wind Will. The learned Government Advocate (Criminal Side) submitted that the properties, which were stolen away, recovered through confession statement made by other accused. As of now, according to the prosecution of the case, all the properties were recovered. So custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Radhapuram Taluk, Tirunveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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. for a period of one month, 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 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 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/-

10/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM TALUK, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE
RADHAPURAM POLICE STATION, RADHAPURAM,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.270,272,273 and 274/2018

Date :10/01/2018

PK/CM-VR/SAR-2/17.01.2018 : 3P/5C