



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

Monday, the Twenty Sixth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3019 of 2018

1 SOUNDER @ SOUNDER RAJ

2 RAJU

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
PECHIPARAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME No. 45/2017

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : Mr.N.DILIP KUMAR, ADVOCATE

FOR RESPONDENT : Mr.A.ROBINSON, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

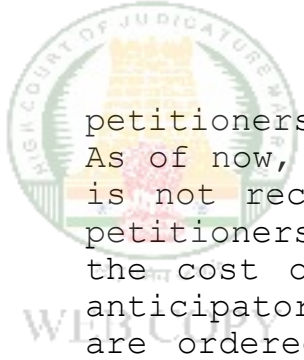
The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.45 of 2017, seek anticipatory bail.

2.The case of the prosecution is that during the time of "Okhi Puyal", the petitioners are said to have cut down the two Jack fruit trees worth about Rs.50,000/-, standing at Government land and stolen the same. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the property is not yet recovered and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. It is alleged, during the time of "Okhi Puyal", the



petitioners cut down two Jack fruit trees worth about Rs.50,000/-. As of now, the property which was stolen away by the accused persons is not recovered. However, the learned counsel appearing for the petitioners submitted that the petitioners are willing to deposit the cost of stolen trees. Hence, this Court is inclined to grant anticipatory bail to the petitioners. 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, Padmanabhapuram, on condition that each of 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) Each of the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.45 of 2017, on the file of the learned Judicial Magistrate, Padmanabhapuram, without prejudice their defence before the Trial Court.

(ii) the petitioners shall report before the respondent police daily at 10.00 a.m until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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/-
26/02/2018

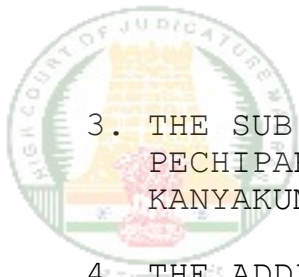
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
RANIPARUMARI DISTRICT AT NAGERCOIL.



3. THE SUB INSPECTOR OF POLICE,
PECHIPARAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No. 3077

ORDER
IN
CRL OP (MD) No.3019 of 2018
Date :26/02/2018

TRP
TE/CM-VR/SAR-1 : 02/03/2018 : 3P/6C