



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3541 of 2018

RAMASAMY,

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.47 OF 2018.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK 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 :-

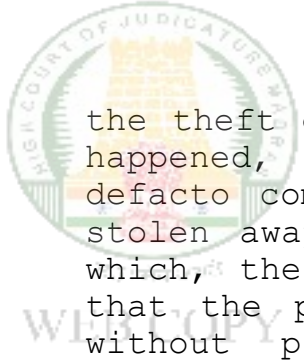
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 and 506(ii) I.P.C., in Crime No.47 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 14.01.2018, the petitioner and other accused in this case have stolen the 10 pigs belongs to the defacto complainant by using the TATA ACE Vehicle. Further, the petitioner and other accused criminally intimidated the defacto complainant with aruval. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused in this case committed



the theft of 10 pigs by using the vehicle. The alleged offence was happened, due to previous enmity, between the petitioner and the defacto complainant. As of now, the stolen properties, which were stolen away during the time of occurrence are not recovered, for which, the learned counsel appearing for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.10,000/-, without prejudice his defence before the trial Court. So, considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioner, custodial interrogation of the petitioner may not be 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 II, Thoothukudi, 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 is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Crime No.47 of 2018 before the learned Judicial Magistrate No.II, Thoothukudi, without prejudice his defence before the trial Court.

(ii) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

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

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

(v) 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/-

07/03/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.3671

GJM/CSL/RR/SAR-2-14.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3541 of 2018

Date :07/03/2018