



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3783 of 2018

MUNIYASAMY

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.20 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
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 alleged offence punishable under Sections 379 of IPC., in Crime No.20 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 24.02.2018, the petitioner and other accused stolen three goats from the house of the defacto complainant worth about Rs.18,000/-. Hence, the case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he is no way connected with the alleged occurrence. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the stolen



property was recovered. He further submitted that the other accused in this case was already arrested. According to the prosecution, the investigation is still pending.

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 other two accused committed the theft of three goats from the defacto complainant's house. According to the prosecution, the other accused in this case was already arrested and as of now, the stolen property is also recovered. So, considering the facts and circumstances of the case, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate, Muthukulathoor, 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 for a period of three weeks and 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/-

12/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHOOR, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.3886

ORDER
IN
CRL OP(MD) No.3783 of 2018
Date :12/03/2018

PK/CM-VR/SAR-3/15.03.2018 : 3P/6C