



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3802 of 2018

JUSTIN JACOP RAJ @ JACOB, ... PETITIONER/1ST ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT,
(CR.NO.20 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.DENNIS JOE 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 :-

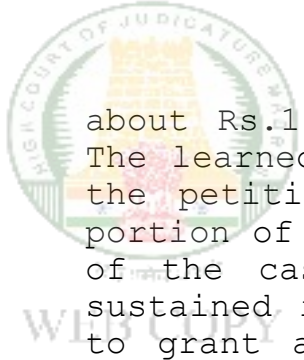
The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 341, 294(b), 506(ii) and 379 (NP) IPC in Crime No.20 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused are said to have committed the theft of seven Teakwood Trees worth about Rs.1,25,000/- Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is ready to deposit a sum of Rs.25,000/-.

4. The learned Government Advocate (Criminal Side) would submit that the properties have not been recovered and the investigation of the case is pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and other accused unlawfully entered into the scene of occurrence, which was in possession of the defacto complainant and committed the theft of seven Teak wood trees worth



about Rs.1,25,000/-. As of now, the properties are not recovered. The learned counsel appearing for the petitioner made submission as the petitioner is willing to deposit a sum of Rs.25,000/-, as a portion of the theft amount. Considering the facts and circumstances of the case and also the considering the fact that nobody has sustained injury in the alleged occurrence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Padmanabhapuram, Thuckalay, Kanyakumari District, 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 deposit a sum of Rs.25,000/- to the credit of Crime No.20 of 2018, on the file of the learned Judicial Magistrate, Padmanabhapuram, Thuckalay, Kanyakumari District, without prejudice his defence.

(ii) the petitioner shall appear before the respondent Police daily 10.00 a.m., until further orders.

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

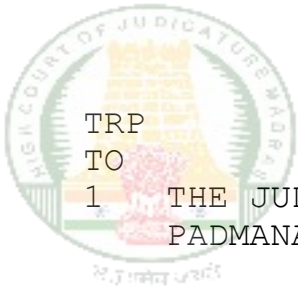
(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the 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/-
14/03/2018

/ TRUE COPY /

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



TRP
TO

1 THE JUDICIAL MAGISTRATE
PADMANABHAPURAM, THUCKALAY, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION, THIRUVATTAR,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.M.DENNIS JOE Advocate SR.No.4092

GJM/CM/VR/SAR-2-21.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3802 of 2018

Date :14/03/2018