



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

Wednesday, the Tenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.398 of 2018

PALAYA

... PETITIONER/ACCUSED No.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION
MADURAI DISTRICT.
(CRIME NO. 89/2001)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PRABHU Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 380 of IPC, in Crime No.89 of 2001, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.02.2001, the petitioner along with other accused persons illegally trespassed into the house of the defacto complainant at Sathiya Nagar, Usilampatti and broken the lock and stolen the white colour Ambasitor car bearing Registration No.TAY-2527 worth about Rs.1,50,000/-. Hence, the present complaint has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner was absconded. She further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offence under Section 380 IPC. It is alleged that on



14.02.2001, the petitioner along with other accused persons committed theft of Ambassador Car bearing Registration No.TAY-2527. Eventhough the case is pertaining to the year of 2001, previously, the petitioner herein was not granted bail in this case. The learned counsel for the petitioner stated in his submission that as the petitioner is residing in Mumbai, he was not able to appear before the Court. Therefore, the reasons submitted by the petitioner for abscondance is properly explained. Hence, considering the above facts and circumstances, custodial interrogation is not necessary for completing the investigation in this case. Therefore, 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 on which the order copy is made ready, before the learned District Munsif-cum-Judicial Magistrate, Usilampatti, 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 learned District Munsif-cum-Judicial Magistrate, Usilampatti, daily at 10.00 a.m., till the disposal of the case;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not commit any offence while on bail;

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

(v) On breach of any of the aforesaid conditions, 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]**.

6. Considering the fact that the case was instituted in the year 2001, this Court is inclined to give some appropriate directions to the learned Magistrate concerned. Hence, the learned District Munsif-cum-Judicial Magistrate, Usilampatti, is directed to list the case on day to day basis and dispose of the same as expeditiously as possible.

sd/-

10/01/2018

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pjl
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
USILAMPATTI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION
MADURAI DISTRICT.

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

+1. CC to M/S.M.PRABHU Advocate SR.No.398

ORDER
IN
CRL OP(MD) No.398 of 2018
Date :10/01/2018

SMA/CM-VR/SAR-2/12.01.2018:3P/6c