



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

Thursday, the Fifteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4080 of 2018

MUNIYASAMY

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.47 OF 2017).

... RESPONDENT / COMPLAINANT

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

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

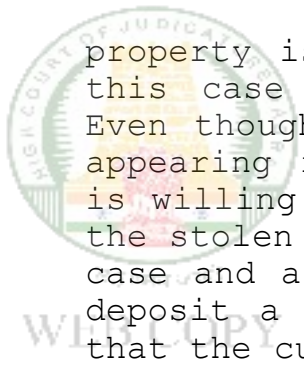
The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC @ 395 IPC, in Crime No.47 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other four accused are said to have stolen the 45 goats from the house of the defacto complainant. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

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

5.The submissions made by the learned counsel on either side are considered. It is alleged, during the time occurrence, the petitioner and four other accused stolen away the goats worth about RS.1,80,000/-, from the house of the defacto complainant. The alleged offence was happened in the year 2017. As of now, the



property is not yet recovered. However, the other four accused in this case were granted anticipatory bail by the Sessions Court. Even though the property is not yet recovered, the learned counsel appearing for the petitioner made representation as the petitioner is willing to deposit a sum of Rs.30,000/- as a portion of cost to the stolen property. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.30,000/-, this Court came to the conclusion that the custodial interrogation of the petitioner may not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.47 of 2017 on the file of the learned Judicial Magistrate, Muthukulathoor, without prejudice his defence.

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

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

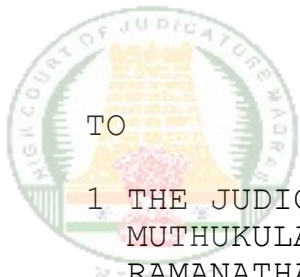
(iv) the petitioner shall not abscond either during investigation or trial.

(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/-
15/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHOOR,
RAMANATHAPURAM DISTRICT.

2 DO THOUGH THE CHIEF JUDICIAL
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.4195.

ORDER

IN

CRL OP (MD) No.4080 of 2018

Date :15/03/2018

SDS/MM:PN/SAR.1/27.03.2018/3P/6C