



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4246 of 2018

1 RAJENDRAN
2 MUTHU PANDIAN
3 SARAVANAN

... PETITIONERS / ACCUSED NO.1,3AND 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 35/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.P.SARAVANAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

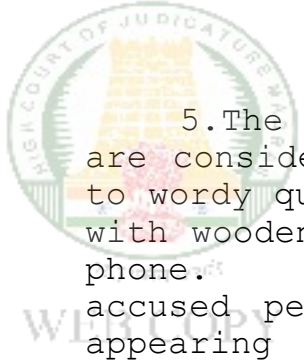
ORDER : The Court Made the following order :-

The petitioners/A1, A3 and A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(ii) and 379 I.P.C., in Crime No.35 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners are said to have assaulted the defacto complainant with wooden log and stolen away a mobile phone and Rs.4,000/-. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

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



5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time of occurrence, due to wordy quarrel, the petitioners assaulted the defacto complainant with wooden log and also stolen away a sum of Rs.4,000/- and mobile phone. As of now, the property which was stolen away by the accused persons is not recovered. However, the learned counsel appearing for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.4,500/-. Hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thirunelveli, on condition that each of the petitioners 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) Each of the petitioners shall deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the credit of Crime No.35 of 2018, on the file of the learned Judicial Magistrate No.III, Thirunelveli, without prejudice their defence before the Trial Court.

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

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

(iv) the petitioners 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/-
21/03/2018

/ TRUE COPY /

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



trp
TO

1 THE JUDICIAL MAGISTRATE NO.III, THIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
DEVARKULAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.ANAND Advocate SR.No.4642

GJM/RR/CSL/SAR-I-26.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.4246 of 2018

Date :21/03/2018