



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4667 of 2018

1 AROCKIYAM

2 KULANTHAIRAJ

... PETITIONERS/ACCUSED NO.1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

DINDIGUL TALUK POLICE STATION,

DINDIGUL DISTRICT,

CRIME NO 216/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SENTHIL KUMAR 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 petitioners, who are arrayed as accused nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 506(ii) and 379 IPC, in Crime No.216 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners entered into the house of the defacto complainant with knife point and stolen away the gold chain. Thus, on complaint, a case has been registered against the petitioners.

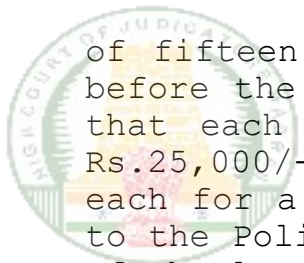
3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. As per the averments made in the First Information Report, the petitioners forcibly entered into the house of the defacto complainant and robbed the gold ornaments in the knife point. During the time of investigation, it came to light that the petitioners gave only life threat to the defacto complainant and no property was stolen away by the petitioners. So, the authenticity of the complaint itself is doubtful. Considering the nature of offences committed by the petitioners, this Court came to the conclusion that the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

6. 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.I, Dindigul, 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:

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- (i) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation. .
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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/-

26/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.SENTHIL KUMAR Advocate SR.No.4813

TRP

CSL/PMI/SAR-IV/03.04.2018 : 2P/6C

ORDER

IN

CRL OP (MD) No.4667 of 2018

Date : 26/03/2018