



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.571 of 2018

M.MANIVANNAN

... PETITIONER/ACCUSED (Not Known)

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.461 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

For Respondent : MR.A.RABINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 I.P.C., in Crime No.461 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused committed theft of 30 brandy bottles from the TASMACH shop.

3.The learned counsel appearing for the petitioner submitted that based on the confession statement given by one Mahalingam, the petitioner has been implicated in this case and he would further submit that the petitioner is an innocent person and he is no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioner.

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

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, the petitioner and five other accused committed theft of 30 brandy bottles from the TASMAC shop. After committing the offence, they consumed the liquor. So, question of recovery does not arise in this case. Admittedly, the petitioner is having the permanent residence and he is not having any previous case.

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6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of one month and thereafter, as and when required for interrogation;

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

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

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
12/01/2018

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



ps
TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.664

ORDER
IN
CRL OP (MD) No.571 of 2018
Date :12/01/2018

SMA/VC/SAR-3/18.01.2018:3P/6C