



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.601 of 2018

1 S.SABIN

2 S.JINO

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE, REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CR.NO.12/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.V.T.PRABAKARAN Advocate

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

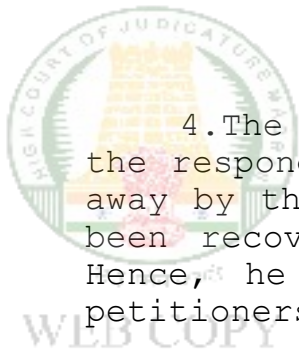
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / Rank not known, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 379(NP) I.P.C., in Crime No.12 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 06.01.2018, when the defacto complainant was proceeding towards his office in his two-wheeler, at that time, some unknown persons came on the opposite side in a two wheeler and dashed upon the defacto complainant's two wheeler. Due to that, there was a wordy quarrel arose between petitioners and the defacto complainant. In the said accident, the defacto complainant's gold chain was stolen away by the accused persons.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the property, which was stolen away by the first petitioner during the time of occurrence has not been recovered. According to him investigation is not completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, in a public place the first petitioner herein committed the offence (i.e), by way of snatching the chain. According to prosecution, the property which was stolen away during the time of alleged occurrence has not been recovered. So, in order to complete the investigation, particularly for recovery of the stolen property, custodial interrogation of the first petitioner is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed.

6.With regard to A2 is concerned, the learned counsel for the petitioners seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect. Hence, according to A2, the Criminal Original Petition is dismissed as withdrawn.

sd/-
23/01/2018

/ TRUE COPY /

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

msa/smi
TO

1 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT

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

+1. CC to M/S.V.T.PRABAKARAN Advocate SR.No.1281
+1cc to MR.S.C.HEROLD SINGH, Advocate in SR.No. 1181

GJM/RR/SAR-2-1.2.18-2P-5C

ORDER
IN
CRL OP(MD) No.601 of 2018
Date :23/01/2018