



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.857 of 2018

A.KARUNANIDHI

... PETITIONERS/ACCUSED

RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO. 400/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.LAWRANCE Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

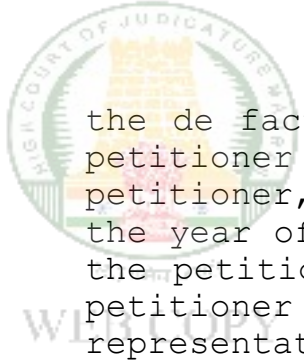
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC in Crime No.400 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have tried to snatch gold chain from the neck of the de facto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Section 379 IPC. It is alleged that during the time of occurrence, the petitioner along with other accused, who is his son committed this offence by way of snatching the chain from



the de facto complainant. On going through the antecedents of the petitioner put forth by the learned counsel appearing for the petitioner, shows that the petitioner is a habitual offender up to the year of 2010. Subsequently, no case has been registered against the petitioner till 2017. Further, the documents submitted by the petitioner proves that this petitioner submitted so many representations before many Police Officials for rehabilitation. The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that no case has been registered against this petitioner between the year 2010 to 2018. Apart from that, the property, which was stolen during the time of occurrence was recovered through other accused. Considering the facts and circumstance of the case, custodial interrogation is not necessary for completing the investigation.

6. Taking all the above said 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, Aundipatti, 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 report before the respondent Police daily at 10.00 a.m. until further orders.
- (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 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/-
24/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, AUNDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.J.LAWRANCE Advocate SR.No.1372

ORDER
IN
CRL OP(MD) No.857 of 2018
Date :24/01/2018 (1/2)

PK/PM-PN/SAR-2/30.01.2018 : 3P/6C