



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.875 of 2018

THAMILARASAN

... PETITIONER/ACCUSED No.11

Vs

THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
MATHUR, KULATHUR TALUK,
PUDUKKOTTAI DISTRICT.
IN CRIME NO. 7/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN 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/All, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 392, 397 and 506(ii) I.P.C., in Crime No.7 of 2018, on the file of the respondent police, seeks anticipatory bail.

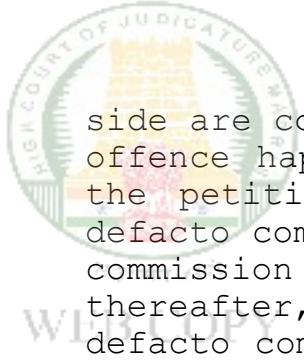
2.The case of the prosecution is that the defacto complainant and the 1st accused are close relatives and their brother-in-law is one Rajkumar, now residing in Singapore. Due to some dispute, the first accused along with 13 others intercepted the defacto complainant and took away 50 sovereign jewels from him.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) submitted that investigation is not completed.

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

5.The submissions made by the learned counsel on either



side are considered. The case was registered on 12.01.2018, for the offence happened on 22.12.2017. The learned counsel appearing for the petitioner submitted that the real dispute is only with the defacto complainant and the 1st accused. Further he added after, the commission of offence, the dispute was settled between them and thereafter, the petitioner has not handed over the property to the defacto complainant as agreed into compromise. Then only, this case was foisted against the petitioner along with other accused. According to prosecution, the property, which was alleged to be robbed during the time of occurrence, was recovered and the other accused also arrested and remanded to judicial custody. Considering all these aspects it clearly shows custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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, Keeranur, 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. for a period of three weeks 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 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/-
25/01/2018

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TO

- 1 THE JUDICIAL MAGISTRATE, KEERANUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 3 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION, MATHUR,
KULATHUR TALUK, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.875 of 2018
Date :25/01/2018

PK/RR/SAR-1/31.01.2018 : 3P/5C