



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.877 of 2018

V. MARISAMY

... PETITIONER/ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, SIVAGIRI TALUK,
TIRUNELVELI DISTRICT,
CRIME NO. 290/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.BASKARAN Advocate

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

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

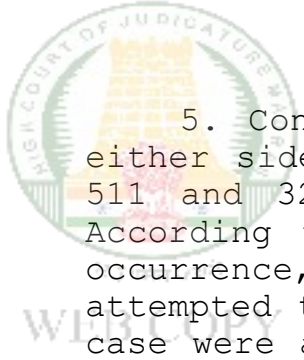
ORDER : The Court Made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 379 (cattle), 511 and 324 I.P.C., in Crime No.290 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.10.2016, when the defacto complainant was sleeping, some persons came for commit theft of the defacto complainant's cattle, due to that, the defacto complainant wake up from the bed and traced them but the accused persons ran away from the spot. Hence, the defacto complainant lodged a complaint before the respondent police.

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 totally there are five unnamed accused involved in this case. During the time of occurrence, the petitioner and other accused in this case are attempted to commit the theft of cattle. According to him, investigation is not completed.



5. Considering the submissions made by the learned counsel on either side, it disclose that the offence under Sections 147, 379, 511 and 324 I.P.C., has been registered against the petitioner. According to prosecution, it is alleged that during the time of occurrence, the petitioner and other accused in this case are attempted to commit the theft of cattle. The other accused in this case were already released on bail. Considering the factual aspects of the case, 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, Sivagiri, Tirunelveli 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 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/-
23/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, SIVAGIRI TALUK,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.C.BASKARAN Advocate SR.No.1232

ORDER

IN

CRL OP(MD) No.877 of 2018

Date :23/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:3P/6c