



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.933 of 2018

ANBUSELVAM

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.724 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JOTHIBASU 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 :-

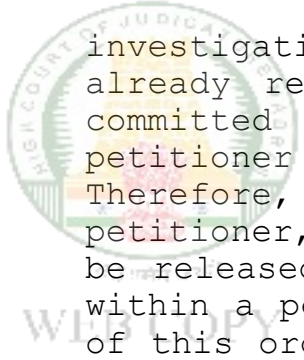
The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 394 altered into 395 I.P.C., in Crime No.724 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have snatched a sum of Rs.1000/- and a gold chain weighing 2 sovereigns from the defacto complainant.

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. He further submitted that A1 and A2 were already released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that there are totally five accused in this case and the petitioner herein is arrayed as A5. He further submitted that one previous case is pending against this petitioner/A5 and the victim girl's chain and money was recovered from the other accused persons. According to him, investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner and other four accused intercepted the defacto complainant, stolen away the property, which was worn by the defacto complainant. According to prosecution, as of now, the property which was stolen away by the accused has been recovered. Part of the



investigation is completed. The other co-accused in this case were already released on bail. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, 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, Rajapalayam, 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/-

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, RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHIBASU Advocate SR.No.1222

ORDER IN
CRL OP(MD) No.933 of 2018
Date :23/01/2018