



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16232 of 2017

1 SIVA

2 ESWARAN

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

THENI POLICE STATION,

THENI DISTRICT.

(IN CRIME NO.1013 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.MAHARAJA, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

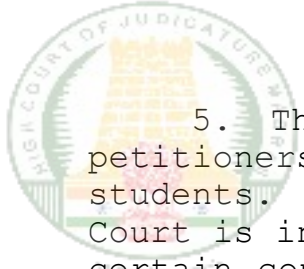
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 379(NH) and 506(i) of IPC, in Crime No.1013 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 05.11.2017, while the defacto complainant was standing before his shop, the petitioners came and made a wordy quarrel with him and due to which they attacked the defacto complainant and taken the cell phone and a sum of Rs.4,500/-. Thereafter, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, case has been registered for the above said offences.

3. The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that part of the investigation is completed, except the recovery of the theft amount. Therefore, if the amount is deposited, further custodial interrogation is not necessary for completing the investigation.



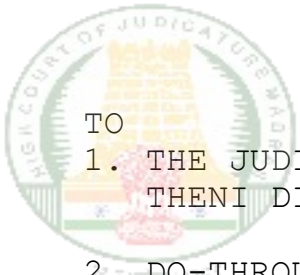
5. The submission made by either side is considered. The petitioners are being the permanent residents as well as they are students. Hence, considering the future and other factors, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Theni, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 petitioners shall deposit a sum of Rs.2,500/- each, to the credit of Crime No.1013 of 2017, before the learned Judicial Magistrate, Theni, Theni District and thereafter the learned Magistrate shall accept the sureties;
- (ii) the petitioners shall report before the investigation officer, daily at 10.00 a.m., for a period of two weeks and thereafter as and when required;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THENI,
THENI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

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

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

+1. CC to M/S.M.MAHARAJA Advocate SR.No.41

ORDER

IN

CRL OP (MD) No.16232 of 2017

Date : 02/01/2018

MS/PM-PN/SAR.4/04.01.2018/3P.6C