



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16477 of 2017

MANIKANDAPRABHU

... PETITIONER/ ACCUSED NO.1
IN CRL OP(MD)NO.16477/2017

T.MANIMUTHU

... PETITIONER/ ACCUSED NO.3
IN CRL OP(MD)NO.17123/2017

Vs

THE INSPECTOR OF POLICE
MANDALAMANIKAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
IN CR.NO.99 OF 2017

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.SIVAPRAKASH Advocate
IN BOTH THE PETITIONS

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

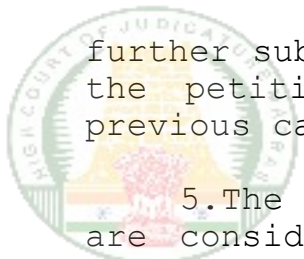
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 387 IPC in Crime No.99 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners extorted a sum of Rs.2,000/- from the de facto complainant. Hence, the present complaint is registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the petitioner in Crl.O.P.(MD)No.16477 of 2017 is arrayed as A1 and the petitioner in Crl.O.P.(MD)No.17123 of 2017 is arrayed as A3. He



further submitted that a sum of Rs.2,000/- was recovered from A2 and the petitioner in CrI.O.P.(MD)No.17123 of 2017 is having one previous case and 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 387 IPC. The learned Government Advocate (CrI.side) submitted that the extorted amount has been recovered from A2. Therefore, custodial interrogation of the petitioners is not necessary for completing the investigation.

7.Even though, the petitioner in CrI.O.P.(MD)No.17123 of 2017 is having one previous case, considering the other facts and circumstances of the case and 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 petitioners, with certain conditions. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
09/01/2018

/ TRUE COPY /

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



GNS/SMNS
TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
MANDALAMANIKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.S.SIVAPRAKASH Advocate SR.No.392, 391

GJM/RR/SAR-2-10.1.18-3P-7C

ORDER
IN
CRL OP (MD) No.16477
17123 of 2017
Date :09/01/2018