



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7724 of 2018

MOORTHY

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.85/2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.BALAJI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 457 & 380 of IPC in Crime No.85 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his friend trespassed made an attempt to break the Hundiyaal of Vinayagar Temple.

3.The learned counsel for the petitioner submitted that the petitioner is arrayed as A2 and they have not stolen anything and that the charge sheet was filed and was taken on file by Judicial Magistrate No.II, Srivilliputhur in C.C.No.52 of 2017 and it is further submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution and he has no bad antecedents.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Government Advocate (crl.side) appearing for the respondent Police, on instruction, would submit that the occurrence took place on 20.05.2016. A1 was arrested and on



the confession of A1, this petitioner was impleaded in the case as A2. The case is pending in C.C.No.52 of 2017.

4. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is impleaded only on the confession of A1 and the investigation is already over, this Court is **inclined to grant anticipatory bail to the petitioner/ A2**. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.II, Srivilliputhur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intend to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-
09/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR

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

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE INSPECTOR OF POLICE, MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

WEB COPY

+1. CC to M/S.A.BALAJI Advocate SR.No.8249

RM/SJI/GSR/11.5.18-3P-6C

ORDER

IN

CRL OP(MD) No.7724 of 2018

Date :09/05/2018