



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

Monday, the Seventeenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21815 of 2018

1 SHEIK MOHAMED

2 SATHIK ALI

... PETITIONER / ACCUSED NO.2 & 5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO. 677 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.A.JINNAH, Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor.

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

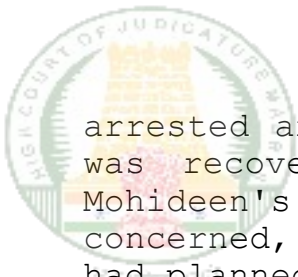
ORDER : The Court Made the following order :-

The petitioners/accused 2 & 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 and 120(b) I.P.C in Crime No.677 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Balasubramanian was an employee of one Mohamed Mohideen, who was running a jewellery shop in Tenkasi. The said Balasubramanian was proceeding from Tenkasi to Chennai to buy gold. On the way, when the bus was stopped near Rajapalayam, the said Balasubramanian alighted. At that time, the bag containing cash was taken away by the petitioners herein along with his friends, who were aware about the cash being taken to Chennai.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, A-1, A-3 and A-4 were



arrested and released on bail. The entire cash of Rs.30,00,000/- was recovered. It seems to be a juvenile attempt of Mohamed Mohideen's son Yasar Arafath-A-3. As far as the first petitioner is concerned, he accompanied the other accused. The second petitioner had planned the entire episode.

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5. Considering the fact that the entire amount has been recovered from the petitioners and they are not professional offenders, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Rajapalayam and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR 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.S.M.A.JINNAH Advocate SR.No.23489

ORDER

IN

CRL OP (MD) No.21815 of 2018

Date :17/12/2018

AMS/VR-MMS/S-3/24.12.2018/3P/6C