



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

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The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21852 of 2018

1 SUNDARAVELU

2 VIJI@VIJAY

... PETITIONERS / ACCUSED NO. 1 & 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
JAMBUNATHAPURAM POLICE STATION,
JAMBUNATHAPURAM, TRICHY DISTRICT.
(CRIME NO.140/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.ARUNRAJ 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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 392 IPC in Crime No.140 of 2018, seek anticipatory bail.

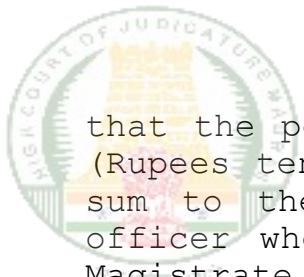
2.The case of the prosecution is that on 05.11.2018, the petitioners and others are said to have robbed a sum of Rs.2,000/- and cell phone of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that the Court below had already granted anticipatory bail to the petitioners on 15.11.2018 made in Cr.M.P.No.4980 of 2018 however, the petitioners could not arrange the sureties within stipulated time. Due to non-compliance of the condition, anticipatory bail granted stands cancelled automatically.

5.Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thuraiyur on condition



that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioners shall report before the respondent police 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 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]**.

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

sd/-
11/12/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT, THURAIYUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION, JAMBUNATHAPURAM, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.ARUNRAJ Advocate SR.No.23030
PS/VR-MMS/SAR-4/18.12.2018/2P/6C