



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21968 of 2018

ANBUSELVAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.

(CRIME.NO.833/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SOLAISAMY 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 petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 I.P.C altered into Sections 379 and 120(b) I.P.C in Crime No.833 of 2018, seeks anticipatory bail.

2. According to the petitioner, the petitioner has been arrayed as first accused in this case, based on the confession of A-2 and A-3 namely Ravichandran and Saravanan. The said Ravichandran had previously employed as driver of the petitioner and the petitioner is now doing paddy business and he has not committed any offence.

3.The learned counsel appearing for the petitioner further submits that the last case of the petitioner is of the year April 2017 and thereafter, the petitioner has no cases against him. The petitioner was even detained under Act, 14 and thereafter, the same was quashed. The petitioner had turned into a new life and carrying on paddy business. Due to the previous cases, the petitioner has been implicated in this case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner had seven previous cases and the role of the petitioner has been



spoken to by the arrested accused.

5. According to the prosecution, the vehicle was parked in various public places, wherein CCTV footages have been verified, which could reveal that the petitioner could not have involved in any of the offence.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.V, Madurai 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 learned Magistrate concerned and on further condition that;

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

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for interrogation until further orders.

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

[d] the petitioner 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 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]**.

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

sd/-
12/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-V,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI CITY.

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

+1. CC to Mr.M.SOLAISAMY Advocate SR.No.23188

PS/VR-MMS/SAR-1/17.12.2018/2P/6C

ORDER
IN
CRL OP(MD) No.21968 of 2018
Date :12/12/2018