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

Friday, the Twenty Third day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19703 of 2018

AZARUDHEEN, ... PETITIONER / ACCUSED NO.1

Vs

STATE THROUGH THE INSPECTOR OF POLICE,
SELLUR POLICE STATION, MADURAI.
CRIME NO.1497/2016 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.SENTHILKUMAR Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Cr.No.1497 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that there are totally 3 accused in this case. The petitioner is arrayed as A1. The petitioner and the other accused had committed theft of cell phone of the defacto complainant. Hence a case was registered by the respondent police.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. The petitioner's name not found in the F.I.R. Already A2 and A3 were granted anticipatory bail by the learned Principal Sessions Judge, Madurai. Hence he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused had committed theft of cell phone of the defacto complainant. The petitioner has one previous case, investigation is pending.

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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 petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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 10.30.am.

[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/-
23/11/2018

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

TO

1. THE JUDICIL MAGISTRATE NO.II,
   MADURAI.

2. Do THRO' THE CHIEF JUDICIAL MAGISTRATE,
   MADURAI.

3. THE INSPECTOR OF POLICE,
   SELLUR POLICE STATION, MADURAI.

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

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+1. CC to MR.B.SENTHILKUMAR Advocate SR.No.21964

ORDER
IN
CRL OP(MD) No.19703 of 2018
Date :23/11/2018

MK/JC/SAR 4/28/11/2018/3P/6C

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