



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22404 of 2018

1 MADAKANNU

2 MURUGAN

3 ANANTH @ SELVAGANESH

4 GANESAN

5 DURGANAMBI

... PETITIONERS / ACCUSED NO.1,2 & 4 TO 6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

(IN CRIME NO. 411 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.SUSI KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate

(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, A1, A2, A4 to A6 who apprehend arrest for the offences punishable under Section 379 of IPC in Crime No.411 of 2018, on the file of the respondent police, seek anticipatory bail.

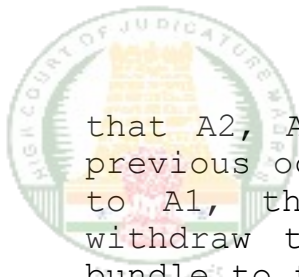
2. The case of the prosecution is that the petitioners committed theft of 1/2 unit of river sand.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel for the petitioners further submitted that they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that prior to this case, A1 has committed similar offence and the same is pending investigation. He further submitted that the petitioners were found in possession of ½ unit of river sand.

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

5. Learned counsel appearing for the petitioners would submit



that A2, A4 to A6 are innocent and they have not indulged in any previous occurrence as alleged by the respondent police. With regard to A1, the learned counsel sought permission of this Court to withdraw the petition and also made an endorsement in the Court bundle to that effect.

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6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant anticipatory bail to A2 and A4 to A6.

7. Accordingly, the petitioners/ A2 and A4 to A6 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, Ambasamuthiram, on condition that each of the petitioners 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] the petitioners/ A2 and A4 to A6 shall report before the respondent daily at 10.30 a.m., until further orders.

[b] the petitioners/A2 and A4 to A6 is directed to deposit a sum of Rs.8,000/- (Rupees Eight Thousand Only) to the Credit of Crime No.411 of 2018 before the concerned Magistrate.

[c] the petitioners/ A2 and A4 to A6 shall not abscond either during investigation or trial.

[d] the petitioners/ A2 and A4 to A6 shall not tamper with evidence or witness 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/ A2 and A4 to A6 in accordance with law as if the conditions have been imposed and the petitioners/ A2 and A4 to A6 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 A2 and A4 to A6 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.23776

PS/VR/SAR-3/31.12.2018/3P/6C

ORDER

IN

CRL OP(MD) No.22404 of 2018

Date :19/12/2018