



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20317 of 2018

1 BOOBALAN
2 SABARI

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
MANDABAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.128/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.M.S.JEYAKARTHIK, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

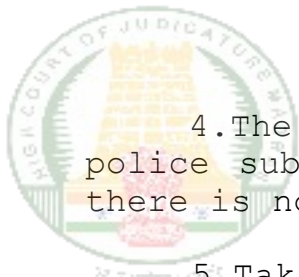
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 323, 324, 427 and 379(NH) IPC. On 07.11.2018, subsequently, the respondent police had filed a alteration report under Sections 341, 323, 324, 379(NH) and 427 IPC and deleted the other accused names, in Crime No.128 of 2018, seek anticipatory bail.

2.The case of the prosecution is that in the complaint, the defacto complainant stated that the petitioners had taken away a sum of Rs.2,700/- from his shirt pocket and also the gold chain of one sovereign. From the alteration report, it is seen that a sum of Rs.2,700/- has been produced by one Eruleswaran and the gold chain alone is yet to be found. In the manner in which, the alleged occurrence is said to have taken place as narrated in the FIR and in the alteration report are diametrically opposite. Hence, creates a doubt.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence. He further submitted that the defacto complainant and the petitioners are living in the same village and there was a dispute with regard to temple festival, immediately, the petitioners were arrested on the date of alleged occurrence. Hence, a false case has been foisted against them.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that the petitioners have no bad antecedents and there is no previous case pending against them.

5. Taking into consideration the facts of the case, 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, Rameswaram, 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 said Magistrate, on further condition that:

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

[b] each petitioner is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.128 of 2018 on the file of the respondent police before the Jurisdictional Magistrate at the time of surrender.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[f] 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]**.

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

sd/-
22/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
RAMESWARAM, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDABAM POLICE STATION, RAMANATHAPURAM DISTRICT

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

+1. CC to MR.M.S.JEYAKARTHIK, Advocate SR.No.22012

ORDER

IN

CRL OP(MD) No.20317 of 2018

Date :22/11/2018

rmi

PK/JC/SAR-2/27.11.2018 : 3P/6C