



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21166 of 2018

ARUN @ ARUN KUMAR

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
CRIME NO.239/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.ANGUSAMY 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 petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of I.P.C., in Crime No.239 of 2018, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is a student of Polytechnic and that the petitioner has been arrived as third accused in this case. He would further submit that the petitioner has arrived as accused in this case on a confession of co-accused. He would further submit that the case of the prosecution is that the temple Hundial of Arulmigu Bomakkammal Durgai Amman has been broken and the offering money of the worshippers of the temple has been stolen. He would also submit that the petitioner had fight with one Anees, Head Constable, attached to the Vadakari Police Station, Periyakulam Taluk and the said person was in the VIP Escort at the time of commission and using his influence of the above said Head Constable the petitioner has been falsely implicated in this case.

3. The learned Government Advocate (Criminal Side) would submit that the Accused No.1 & 2 have been arrested and the entire money has been recovered and the value of money is Rs.10,300/-.



4. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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, Theni, 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 as and when required for interrogation.

[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/-

03/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.ANGUSAMY Advocate SR.No.22540

ORDER IN

CRL OP(MD) No.21166 of 2018
Date :03/12/2018