



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18854 of 2018

MARI SELVAN

... PETITIONER / ACCUSED (RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.53 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ANAND 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 apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 (N.P) of IPC in Cr.No.53 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant parked his auto rickshaw in front of his house and later on it was found that somebody has stolen the same. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. He further submits that A4 in this case has been granted with anticipatory bail in Crl.O.P.(MD).Nos.18767 and 18771 of 2018.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner along with one Mariselvan (A4) steal lorries and other vehicles and thereafter break the same and sell it as parts. The accused persons are regular offenders and several cases are pending against them and strongly objected the grant of anticipatory bail to the petitioner. He also submits that the property concerned in this case have been recovered.



5. Taking into consideration the facts of the case and in view of the grant of anticipatory bail granted to A4 who is similarly placed as of the petitioner, this Court inclined to grant anticipatory bail to the petitioner.

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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, Aruppukkottai, Virudhunagar District, 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 twice on daily at 10.30 a.m. and 4.00 p.m., 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/-

15/11/2018

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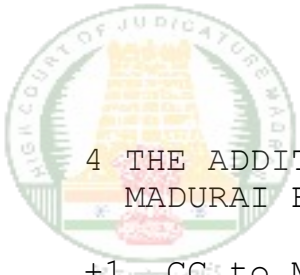
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1. CC to M/S.R.ANAND Advocate SR.No. 21634

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ORDER

IN

CRL OP (MD) No.18854 of 2018

Date :15/11/2018

JM/VR MMS/SAR 4/20.11.2018/3P/6C