



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

Monday, the Twelfth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.18427 of 2018

PRABHU @ PRABHU DEVA

... PETITIONER / ACCUSED - 2

Vs

STATE: REP. BY
INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.117 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.K.KUMARAVEL Advocate

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

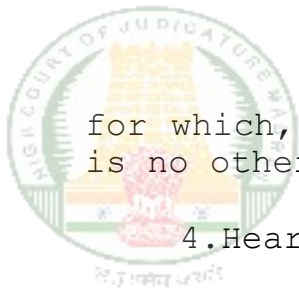
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 I.P.C. in Crime No.117 of 2018, seeks anticipatory bail. The petitioner is arrayed as Accused No.2.

2.It is seen that the alleged occurrence is said to have taken place on 26.07.2018.

3.The contention of the petitioner is that the First Information Report was registered on 26.07.2018 in the above said case and the First Information Report reached the concerned Court only on 02.10.2018 and there is no proper reason has been given for the inordinate delay in forwarding the F.I.R to the concerned Court. He would further submit that there are totally two accused in this case. One Dharma Muniyasamy @ Maaveeran, has been shown as Accused No.1 and he was arrested on 02.10.2018. He gave a confession statement. In his confession statement, he has stated that on 26.07.2018, the said Dharma Muniyasamy @ Maaveeran had entered into the provision shop and had taken a sum of Rs.85,000/- from the shop. At that time, the petitioner was asked to keep the area watching,



for which, the petitioner was paid Rs.10,000/-. Except this, there is no other material as against this petitioner.

4. Heard the learned counsel appearing for the respondent.

5. In view of the in-ordinate delay and also there is no previous case pending against this petitioner, 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, Mudukulathur, 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 fails 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 for a period of three weeks and thereafter 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/-
12/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
MUDUKULATHUR, RAMANATHAPURAM DISTRICT

