



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1725 of 2019

PASUPATHY @ PASUPALINGAM

... PETITIONERS/ ACCUSED Nos. 2 & 3

Vs

THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.
(CR.NO.226/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.SANTHANAM RAJESHKUMAR 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 :-

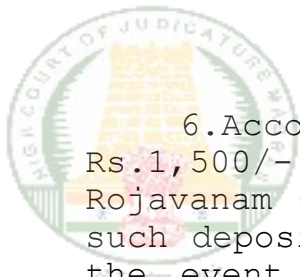
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 and 511 I.P.C, in Crime No.226 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 03.11.2018, at about 11.00 am., the petitioners tried to steal the goat of the defacto complainant. At that time, the defacto complainant and others shouted the petitioners. Thereafter, they were escaped from the scene of occurrence. Hence, the defacto complainant lodged a complaint as against the petitioners herein.

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

4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case and also considering the fact that in this case no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are directed to deposit a sum of Rs.1,500/- (Rupees One Thousand Five Hundred Only) each to the Rojavanam Oldage Home, Utthangudi, Melur Main Road, Madurai and on such deposit, 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 No.I, Kuzhithalai, Karur District, 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] the petitioners shall appear before the respondent police as and when required for interrogation.

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

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

[d] the petitioners 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/-

01/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
KUZHITHALAI, KARUR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR
- 3 THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM, HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI

WEB COPY

+1. CC to MR.B.SANTHANAM RAJESHKUMAR Advocate SR.No.2293

ORDER

IN

CRL OP (MD) No.1725 of 2019

Date :01/02/2019

MSI/PN/SAR-I/11.02.2019-3P/7C