



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

Monday, the Fourth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) Nos.1768,1788 and 1789 of 2019

1.DINESH
2.MUTHU @ DANIEL

... PETITIONERS / ACCUSED
RANK NOT KNOWN
IN ALL THE PETITIONS

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
TUTICORIN DISTRICT.
Crime No.5 of 2019.

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.1768 of 2019

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.
Crime No.4 of 2019.

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.1788 of 2019

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
TUTICORIN DISTRICT.
Crime No.546 of 2018.

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.1789 of 2019

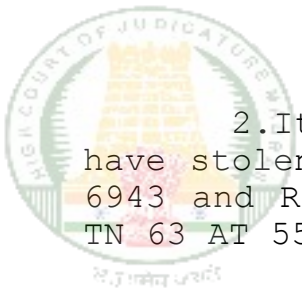
For Petitioners : Mr.B.PERUMAL PRABHU Advocate
IN ALL THE PETITIONS

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who arrayed as the accused Nos.3 and 4 and apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 I.P.C. in Cr.Nos.5 and 4 of 2019 and 546 of 2018 on the file of the respondent police, seek anticipatory bail.



2.It is the case of the prosecution that the accused persons have stolen the two wheeler Bullet bearing Registration No.TN 69 BA 6943 and Royal Enfield, bearing Registration Nos.TN 69 BE 0021 and TN 63 AT 5506 respectively belonged to the defacto complainants.

3.The learned counsel appearing for the petitioners would submit that the fourth accused / second petitioner herein in all petitions did not commit any offence as alleged by the prosecution. The fourth accused / second petitioner has not able to move frequently and also produced medical records, stating that he presented with chronic ulcer in both lower limbs for the past 15 years and also associated leg swelling and hyperpigmentation of both the legs around the ankle.

4.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that due to medical grounds, this Court may consider the anticipatory bail application in respect of fourth accused / second petitioner alone, since the stolen articles were recovered from the accused persons.

5.Considering the facts and circumstances of the case and also taking note of the medical history of the fourth accused / second petitioner, this Court is inclined to grant anticipatory bail to the fourth accused / second petitioner in all petitions and considering the fact that previous cases similar in nature are pending against the petitioner, the anticipatory bail application in respect of the third accused / first petitioner is dismissed.

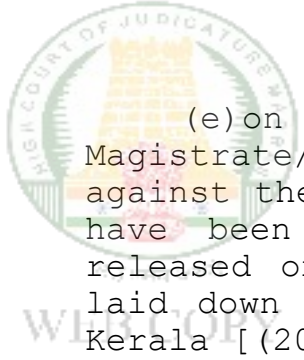
6.Accordingly, the second petitioner in all petitions is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III and I, Tuticorin as the case may be, on condition that the second 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the second petitioner in all petitions and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second petitioner in all petitions shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the second petitioner in all petitions shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner in all petitions 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 petitioners in accordance with law as if the conditions have been imposed and the second petitioner in all petitions 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I, TUTICORIN.

2. THE JUDICIAL MAGISTRATE NO III, TUTICORIN.

3. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

4. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, TUTUCORIN DISTRICT.

5. THE INSEPCTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.

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

+3. CC to Mr.M.S.JEYAKARTHIK Advocate SR.Nos.2354,2355,2356

ORDER

IN

CRL OP (MD) Nos.1768,1788 and
1789 of 2019

Date : 04/02/2019

TK/PN/SAR-1/08.02.2019/3P/10C