



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1966 of 2019

DEVASAHAYAM SAMUVEL

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.498/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.BALAJI Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

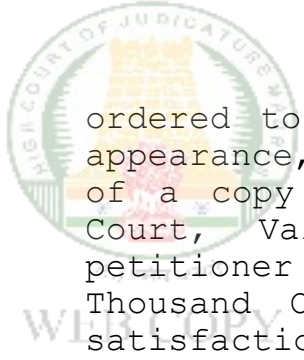
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 454, 457 and 380 I.P.C. in Cr.No.498 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 11.11.2017, some gold ornaments, weighing 101.250 sovereigns, were stolen by unnamed accused and thereafter, the respondent police registered a case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not arrayed as an accused in the First Information Report and after one year of registering the case, the petitioner came to know that the Law Enforcing Agency is searching him and hence, he would pray for anticipatory bail to the petitioner. He would further submit that the other accused were arrested and they were enlarge with bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that investigation is pending.

5.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 Court, Valliyur, Tirunelveli 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 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.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]; and;

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

sd/-
07/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.M.ASHOK PADMARAJ Advocate SR.No.2673

ORDER

IN

CRL OP (MD) No.1966 of 2019

Date : 07/02/2019

TK/PN/SAR-2/12.02.2019/3P/6C