



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

Tuesday, the Fourth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7547 of 2019

JEBAKUMAR

... PETITIONER /1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
(CRIME NO.158/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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 offences punishable under Sections 341, 324 and 379 of IPC in Crime No. 158 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, there was a previous enmity between the petitioner and the defacto complainant as the petitioner's dog has bitten the defacto complainant's sister's daughter. He further submitted that as per the FIR, on 23.05.2019, at about 7.30 p.m., when the defacto complainant was going in his bike, two persons came in a block colour Pulser bike bearing Rg.No.TN 18 W 0382, waylaid him and attacked him and they took his mobile phone and a sum of Rs.20,000/-. He further submitted that in the complaint, the defacto complainant has stated that since already the defacto complainant has stored message in his mobile phone about the petitioner, only at the instance of the petitioner,



the aforesaid act could have been committed. Further, he submitted that since the FIR was registered only on assumption, he prayed for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that since there was an enmity between the petitioner and the defacto complainant on 23.05.2019, at about 07.30 p.m., at the instance of the petitioner, two persons came in a motor cycle and waylaid the defacto complainant and snatched the mobile phone and a sum of Rs.20,000/-. However, she fairly conceded that in the FIR, the defacto complainant has not specifically stated that the petitioner herein has directly involved in the above crime.

5. Taking into consideration of the aforesaid fact that in the FIR, it is not specifically stated that the petitioner herein came in a motorcycle and snatched the mobile phone and an amount of Rs.20,000/- from the defacto complainant and also the fact that already, enmity is in existence between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court, Nanguneri, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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 petitioners 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].



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

sd/-

04/06/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No. 9118

ORDER

IN

CRL OP (MD) No.7547 of 2019

Date :04/06/2019

JM/VR/SAR 2/13.06.2019/3P/6C