



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9465 of 2019

1.Veeramanikandan @ Aadhi

2.Guhan

... Petitioners/Accused
No.1 and 2

Vs

The State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Crime No.476/2018

... Respondent/Complainant

For Petitioners : M/s.G.Karuppasamy Pandiyan, Advocate.

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

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

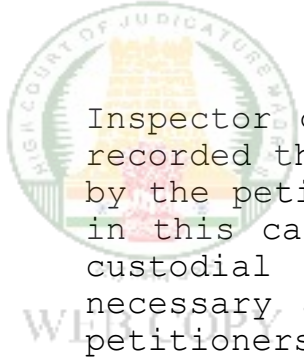
PRAYER :-

For Anticipatory bail in Cr.No.476 of 2018 on the file of the respondent police.

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 of IPC, in Crime No.476 of 2018, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that these petitioners were arrested in Crime No.80 of 2019 on the file of the Inspector of Police, Thirukattupalli Police Station on 25.05.2019. He further submitted that the petitioners herein gave a confession statement stating that they have theft 11 goats and only based on the said confession, the petitioners have been implicated in the present case. He further submitted that even though the police got the knowledge of the involvement of the petitioners herein in the present case, they have not remanded the petitioners in the present case. He further submitted that in the confession statement recorded in Crime No.80 of 2019 on the file of



Inspector of Police, Thirukattupalli Police Station itself, it was recorded that the said goats were sold and the sale amount was spent by the petitioners for drinking liquors. If the petitioners arrested in this case, nothing could be recovered from them. Therefore, the custodial interrogation of the petitioners is absolutely not necessary and hence, he prayed to grant anticipatory bail to the petitioners.

3.Per contra the learned Government Advocate (Criminal Side) for the respondent has submitted that the petitioners were arrested in Crime No.80 of 2019 on the file of Thirukattupalli Police Station, they have voluntarily gave confession statement stating that they have involved in this case. She further submitted that the investigation is still pending and hence, she strongly opposed this petition.

4.Admittedly, the petitioners were arrested on 25.05.2019 in Crime No.80 of 2019 for the offence punishable under Section 379 IPC of Thirukattupalli Police Station. As per the prosecution case, the petitioners voluntarily gave confession statements, in which they have admitted that they have committed theft of 11 goats and only based on the said confession, the petitioners herein have been implicated in the present case. It is pertinent to note that even though the police got the knowledge that the petitioners herein involved in the present case, they have not made any request to the concerned Magistrate to remand them in this case also. Further in the confession statement itself it is stated that the petitioners herein have sold the said goats and they have spent the said money for drinking liquors. Under the said circumstances even if the petitioners are arrested in this case, nothing could be recovered from them. Therefore, taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, 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, Lalgudi, Trichy 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 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

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

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(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/-
11/07/2019

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

TO

1.THE JUDICIAL MAGISTRATE, LALGUDI, TRICHY DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT

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

+1. CC to Mr.G.KARUPPASAMY PANDIYAN Advocate SR.No.11560

ORDER
IN
CRL OP(MD) No.9465 of 2019
Date :11/07/2019

das
TK/VR/SAR.1/15.07.2019/3P/6C