



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9549 of 2019

1. S. Akash @ Ajith,
2. R. Ilayaraja,

... Petitioners/Accused No
Not known

Vs

State rep.by
The Inspector of Police,
Friday Market Police Station,
Kanyakumari District.
Crime No.63/2019.

... Respondent/Complainant

For Petitioner : M/s.H.Elango,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.63/2019 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 offence punishable under Section 380 of IPC, in crime No.63 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that in the FIR , the name of the petitioners has not been mentioned. He further submitted that only based on the confession given by A1, the petitioners herein have been implicated in the above case as they are friends to A1. He further submitted that the first petitioner is studying diploma at Udaya College and the second petitioner is working at kerala and the petitioners are in no way connected with the aforesaid crime and therefore, he prayed for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) appearing for the State has submitted that in the F.I.R, though the name of the petitioners have not been mentioned, the defacto complainant has stated that three persons have stolen the electrical copper wire and on seeing them, the aforesaid persons have escaped through the motorcycle bearing Registration No.TN 74 AP 9437 and based on the same, the FIR has been registered and during investigation accused No.1 was arrested. She further submitted that the accused No.1 gave a confession statement voluntarily in which he has stated that these petitioners are also involved in the above crime. She further submitted that the property involved in the above case is worth about Rs.1,00,000/- but only 10 kgs of copper wire was recovered from A1 and remaining properties have to be recovered. She further submitted that the custodial interrogation of the petitioners is absolutely necessary and hence, she strongly opposed this petition.

5.Taking into consideration in the confession given by A1, the petitioners have been implicated in the above case and also the submission made by the learned Government Advocate (Crl. Side) that the custodial interrogation of the petitioners is absolutely necessary for recovery of the remaining properties, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is dismissed.

sd/-
09/07/2019

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
FRIDAY MARKET POLICE STATION,
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9549 of 2019
Date :09/07/2019

vsg
AE/JC/SAR-IV (17.07.2019) 2P 3C