



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22471 of 2018

R. SATHISKUMAR ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 187 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.SANKARA PANDIAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Section 394 IPC, in Cr.No.187 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Supervisor in the Government TASMACH Shop. On 17.09.2018, after closing the shop, while he along with one Muthukaruppan were proceeding to Kamuthi with the sales amount of Rs.2,05,500/-, one unknown person sprayed the chilli powder on the defacto complainant and his companion. At that time, another person came there and attacked the defacto complainant and looted the said sum of Rs.2,05,500/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence. On the confession of the co-accused, there are totally six accused in this case. All the other accused are hailing from the same village. One of the accused is known to the petitioner. The petitioner is studying B.Sc.Mathematics in Madurai Kamaraj University Constituent College, Chettikurichi, Aruppukottai. Conduct certificate from the Principal of the above said College has also been produced before this Court.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. Side).

5. It is seen from the conduct certificate of the Principal of Madurai Kamaraj University Constituent College, Chettikurichi, Aruppukottai, the petitioner is a final year student of B.Sc.Mathematics Course and he is a normal student with good conduct. The arrest of the petitioner in this case is jeopardise the future of the petitioner's life and his entire hard work to reach this level would be shattered. More over, the petitioner is a first graduate from his family.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court inclined to grant anticipatory bail to the petitioner.

7. 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 Aruppukottai, Virudhunagar 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 said Magistrate, on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 05.00 p.m., for a period of two weeks, thereafter, as and when required for interrogation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2019

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.J.SANKARA PANDIAN Advocate SR.No.788

ORDER
IN
CRL OP(MD) No.22471 of 2018
Date :11/01/2019

MSI/PN/SAR-II/22.01.2019-3P/6C