



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22736 of 2018

MUNEESWARAN

... PETITIONER / ACCUSED - 3

Vs

STATE REP. BY ITS,
THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
(CR.NO.497/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. B. SANTHANAM RAJESHKUMAR 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 apprehending arrest at the hands of the respondent police for the offences punishable under Section 394 of IPC, in Cr.No.497 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with two other accused persons snatched the chain from the defacto complainant.

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 crime.

4.The learned Government Advocate (Crl. Side) submits that the petitioner has already filed two anticipatory bail petitions and the same were dismissed. He further submitted that though initially the defacto complainant stated that the accused persons snatched the chain worth about 2 sovereign from him, later he stated that it is ½ sovereign and the same has been recovered from the accused. He further stated that the petitioner is friend of the prime accused.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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 No.I, Melur, 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 condition that:

[a] if the petitioner fail 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 10.30 a.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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
MELUR, MADURAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR. B. SANTHANAM RAJESHKUMAR Advocate SR.No.39