



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

Date : 24/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.10216 of 2019

K.Mahendran

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No.245 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.T.Sasidharan Tamilkani, 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 cr.no.245 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.245 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that in the FIR, the defacto complainant has stated that on 03.07.2019 at about 8.30 p.m, when the defacto complainant kept one sovereign gold ring in his juice shop and went to natural call and subsequently he came to know that the present petitioner and Al have stolen the said ring, but he has not stated that he has seen the occurrence directly. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that already A1 was arrested and the said gold ring was recovered from him. He further submitted that the petitioner is having two previous cases. Thus, she opposed this petition.

5.Considering the fact that in the FIR, the defacto complainant has stated that on 03.07.2019 at about 8.30 p.m, when the defacto complainant kept one sovereign gold ring in his juice shop and went to natural call and subsequently he came to know that the present petitioner and A1 have stolen the said ring, but he has not stated that he has seen the occurrence directly and also the fact that already A1 was arrested and the said ring was recovered from him.

6.Taking into consideration the aforesaid facts and also the fact that though two cases are pending against the petitioner, he is on bail in those cases, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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, Papanasam, Thanjavur 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 fails 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 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].



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

sd/-
24/07/2019

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.T.SASIDHARAN TAMILKANI Advocate SR.No.77422

ORDER
IN
CRL OP(MD) No.10216 of 2019
Date :24/07/2019

vsg
TK/PN/SAR.3/26.07.2019/3P/6C