



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10160 of 2019

1. Muthukumar,
2. Kanagaraj,

... Petitioners/Accused Nos.2 & 3

Vs

State rep by
The Inspector of Police,
S.V. Karai Police Station,
in Cr. No.110/ 2019,
Tirunelveli District.

... Respondent/Complainant

For Petitioners: M/s.C.Susi Kumar,
Advocate.

For Respondent : Ms.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. 110 of 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 offences punishable under Section 379 of
IPC, in Crime No.110 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners belong to Melapattakurichi, JVVT
Colony whereas the occurrence said to have been took place at
Thirikooda Puram, Pattakurichi, Kampali Road and the said place
situated 10 Kilometres away from the native of the petitioners. But,
in the FIR, the name of the petitioners as well as their fathers'



name and address are also mentioned. He further submitted that in the FIR, it is stated that these petitioners were already known to the defacto complainant. He further submitted that a week before the alleged occurrence. There was a wordy quarrel between the petitioners and the police and only with a view to revenge the petitioners, the police had falsely implicated these petitioners in the above case. He further submitted that A2 is having one previous theft case and A3 is having 2 previous theft cases. He further submitted that the petitioners are in no way connected with the crime, and therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) has appearing for the respondent has submitted that the petitioners are already known to the defacto complainant and hence, he gave a written complaint stating that these petitioners along with one more accused, have snatched 2 sovereign of gold chain from the lover of the defacto complainant. She further submitted that already one theft case is pending against A2 and 2 theft cases are pending against A3 and hence, she strongly opposed this petition.

5.The petitioners are neither the native of the occurrence place nor the native of the defacto complainant Village, but, in the written complaint, their names, address, their fathers' names and their address are clearly mentioned. In the FIR, nowhere it is stated that already the petitioners are known to the defacto complainant. Taking into consideration all the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Sengottai, 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.

(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/-
25/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
SENGOTTAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
S.V. KARAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.12322

ORDER
IN
CRL OP(MD) No.10160 of 2019
Date :25/07/2019

KM/PN/SAR-I (07.08.2019) 3P 6C