



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

Date : 29/07/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10597 of 2019

WEB COPY

1.S.Akash @ Ajith

2. R.Ilayaraja

... Petitioners/Accused No. Not known

Vs

State

Rep. by Inspector of Police,
Friday Market Police Station,
Kanyakumari

(Crime No.63 of 2019).

... Respondent/Complainant

For Petitioners : 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 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 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 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 total quantity of the property involved in the above case is 10 kgs of copper wire and 7 kgs of copper wire was recovered from A1 and 3 kgs of copper wire recovered from the place of occurrence and hence, she strongly opposed this petition. However, she fairly conceded that no previous case is pending against the petitioners.

5. Taking into consideration of the fact that based on the confession said to have been given by A1, the petitioners herein have been implicated in the above case and also the submission made by the learned Government Advocate (Crl. Side) that total quantity of the property involved in this case is 10 kgs of copper wire and 7 kgs of copper wire recovered from A1 and 3 kgs of copper wire recovered from the place of occurrence itself and no bad antecedent is being reported against the petitioners and also the fact that no previous case is pending against the petitioners, 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, Eraniel, 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/-
29/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
FRIDAY MARKET POLICE STATION,
KANYAKUMARI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.H.ELANGO Advocate SR.No.12458

ORDER
IN
CRL OP(MD) No.10597 of 2019
Date :29/07/2019

VSG
ES/PN/SAR 4/01.08.2019/3P/6C