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CRL OP(MD) . No.11139 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11139 of 2019

1. Raimand @ Santhiya Raimand

2. Flemming @ Flemming Danis

...Petitioners/Accused Nos.3,4

Vs

State Rep by
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
Cr No. 68 of 2019.

... Respondent/Complainant

For Petitioners : M/s.D.Balamurugapandi,
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. 68 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioners/accused no.3 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 394 of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that

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



the stolen property has been recovered. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that on 25.07.2019 the petitioner along with others waylaid the defacto complainant and snatched a cell phone from the pocket of the defacto complainant. Hence she opposed to grant anticipatory bail to the petitioner. However she fairly conceded that the stolen property has been recovered.

5.Taking into consideration the fact that in the First Information Report the defacto complainant has stated that four unknown persons have committed the offence but in the end of the First Information Report when he was admitted in the hospital and at that time he came to know that the these accused persons have committed the offence but it is not stated from whom he came to know the name of the accused persons.

6. Taking into consideration of the facts and circumstances of the case and also the fact that A1 and A2 were arrested and also the stolen property has been recovered(Cell phone) and no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram 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:

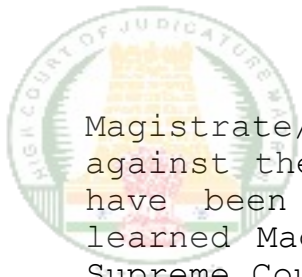
[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

sd/-

07/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAMESWARAM
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.13257

ORDER

IN

CRL OP(MD) No.11139 of 2019

Date :07/08/2019

AM/PN/SAR-1/14.08.2019/3P-6C