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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12136 of 2023

Esakkipandi @ Mani,

... Petitioner/Accused No.2

Vs

1. The State represented by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.150/2023..

... Respondent/complainant

2. K.Perumal,

... Respondent/Defacto Complainant

For Petitioner : M/s.Jeyakumar.A,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.150/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of I.P.C, in Crime No.150 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on on 09.06.2023, when the defacto complainant and his friends are herding their goats, the accused and his friends came in that spot with Motor Cycle bearing No.TN 72 BL 5325 and stole away two goats. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that on the basis of the information of the co-accused the involvement of this petitioner came into light. The petitioner seems to be the friend of first accused. On the particular date, both were riding in two wheeler and this petitioner was rider and the first accused was the pillion rider. They stole two goats, which were grazing in the nearby area. On his confession statement the above said goats were recovered from him. There is no previous case against the petitioner.

5. Considering the fact that the petitioner is not involved in previous case similar in nature and the goats were also recovered from the co-accused persons, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

05/07/2023

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/07/2023

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

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TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

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

3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, TIRUNELVELI DISTRICT.



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

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+1 CC to M/s.A.JEYAKUMAR, Advocate (SR-10238[I] dated 05/07/2023)

ORDER

IN

CRL OP (MD) No.12136 of 2023

Date :05/07/2023

SS/10/07/2023/3P/6C