



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1460 of 2019

KRISHNAN

... PETITIONER / ACCUSED'S NAME NOT
MENTIONED IN THE F.I.R

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
K. PARAMATHI POLICE STATION,
KARUR DISTRICT.
CR.NO.10 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.VELLAICHAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Cr.No.10 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with his others has stolen 24 batteries from the cell phone tower worth about Rs.24,000/-

3. The learned counsel for the petitioner would submit the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence.

4. The learned Government Advocate(Crl.Side) would submit that the stolen property has been recovered.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the stolen properties have been recovered, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Karur 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders

[c] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO II, KARUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

3 THE INSPECTOR OF POLICE,
K. PARAMATHI POLICE STATION, KARUR DISTRICT.

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

COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM, HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI

+1. CC to MR.S.VELLAICHAMY Advocate SR.No.1887
ORDER

IN

CRL OP(MD) No.1460 of 2019
Date :30/01/2019