



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

Wednesday, the Tenth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.5409 and 5419 of 2019

ANANTH

... PETITIONER / ACCUSED

IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
V.K.PUDHUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.62 OF 2019)

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)NO.5409/2019

THE STATE REP.BY
THE INSPECTOR OF POLICE,
V.K.PUDHUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.34 OF 2019)

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)NO.5419/2019

For Petitioner : Mr.K.N.GOVARDHANAN Advocate(IN BOTH PETITIONS)

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)(IN BOTH PETITIONS)

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 under Sections 379 of IPC, in Cr.No.34 and 62 of 2019 on the file of the respondent police, seeks anticipatory bail in respect of both crime numbers.

2.The case of the prosecution is that the defacto complainant gave a complaint regarding the theft of copper wires having the length of 180 meters and 185 meters from the Wind Mill on various occasions. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any



offence as alleged by the prosecution. The copper wires are recovered from the co-accused only. Hence, he prayed for anticipatory bail. However, he is ready to deposit any amount to the welfare of any school to show his bonafideness without prejudice his rights.

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4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the copper wires having 180 meters and 185 meters were recovered from the accused No.1 and since he is come forward to pay an amount to the welfare of school, this Court may pass orders.

5.Considering the facts and circumstances of the case and since the recovery was made from the co-accused and the petitioner is ready to deposit an amount to the welfare of school without prejudice to his rights, this Court is inclined to grant anticipatory bail to the petitioner in respect of both petitions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)(i)the petitioner is directed to deposit a sum of Rs.25,000/- by way of Demand Draft in favour of the Headmaster/Headmistress, Union Primary School, Maruthoor, Palayamkottai Taluk, Tirunelveli District, to purchase the furniture for the use of school children, without prejudice his rights; the above said deposit shall made before the execution of sureties and produce the proof for the same;

(ii)the Headmaster/Headmistress of the above said school is directed to purchase the furniture required for the school children for the above said amount and report the same with necessary proof before the concerned District Educational Officer.

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/04/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
ALANGULAM, TIRUNELVELI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
V.K.PUDHUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER/HEADMISTRESSES,
UNION PRIMARY SCHOOL, MARUTHOOR,
PALAYAMKOTTAI TALUK, TIRUNELVELI DISTRICT.

+2. CC to M/S.K.N.GOVARDHANAN Advocate SR.No.6532,6533

PS/PN/SAR-4/22.04.2019/3P/8C

ORDER

IN

CRL OP(MD) Nos.5409 and 5419 of 2019

Date :10/04/2019