



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6231 of 2019

MUTHUPANDI

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALAYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
Crime No.Not Known of 2019.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.KANNAN 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 offence under Section 397 of IPC in Cr.No. Not known of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner entered into a Temple and broken the 'Hundial' and stolen a sum of Rs.6,000/-, for which, the Poojari of the Temple filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. On instructions, he would also submit that without going into the merits of the case, the petitioner is ready to purchase a strong 'Hundial' for the temple, worth about Rs.10,000/- and hence, prayed for granting anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that since the petitioner himself has come forward to purchase an 'Hundial' for the temple, this Court may pass appropriate orders.



5. Considering the facts and circumstances of the case and the petitioner has come forward to purchase an 'Hundial' for the temple worth about Rs.10,000/- without prejudice to his rights and contentions to show his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the 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 No.I, Sivagangai, 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 shall purchase an 'Hundial' for a sum of Rs.10,000/- for the temple, without prejudice to his defence and only on such compliance, the learned Magistrate shall accept the sureties and disburse the same to the defacto complainant without filing any formal applications.

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

(c) the petitioner shall report before the respondent police 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;

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

sd/-
27/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I,
SIVAGANGAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KALAYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to Mr.V.KANNAN Advocate SR.No.7573

ORDER

IN

CRL OP(MD) No.6231 of 2019

Date :27/04/2019

TK/MMS/SAR-3/03.05.2019/3P/6C