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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/07/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.8411 of 2019**

Sethuraman, ... Petitioner/Accused rank not known

Vs

The State Rep by its  
The Inspector of Police,,  
Eral Police Station,  
Tuticorin District,  
Crime No.113 of 2019. ... Respondent/Complainant

For Petitioner : M/s.B.Perumal Prabhu,  
Advocate.  
For Respondent : Mrs.M.Ananthadevi,  
Government Advocate (Crl.Side)

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

PRAYER :-

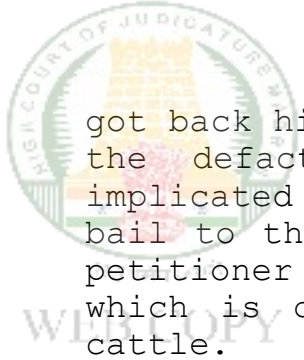
For Anticipatory Bail in Crime No.Not known of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No. 113 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that four cattle of the defacto complainant are alleged to have been robbed by the petitioner herein. Hence, the complaint.

4. The learned counsel appearing for the petitioner submitted that according to the petitioner, while grazing his cattle in a land, four cattle of the defacto complainant were mingled with his cattle, that fact was not known to the petitioner and on the next day, the defacto complainant came to the house of the petitioner and



got back his cattle. Hence, the complaint has been falsely given by the defacto complainant and the petitioner has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner. However, the learned counsel submitted the petitioner is ready to deposit the value of Rs.40,000/-, which is claimed by the defacto complainant for the loss of his cattle.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the investigation is underway. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the submission made by both sides and also taking into consideration of the fact that the petitioner is ready to deposit the value of Rs.40,000/-, for the loss of cattle of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Nilakkottai, Dindigul District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[i]the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.113 of 2019 before the learned Judicial Magistrate, Nilakkottai, Dindigul District, without prejudice to their defence before the trial Court;

(ii) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].

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

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
NILAKKOTTAI DINDIGUL DISTRICT
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
ERAL POLICE STATION,  
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.8411 of 2019  
Date :05/07/2019

dss  
AE/JC/SAR-II (16.07.2019) 3P 5C