



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

Friday, the Fourth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.88 of 2019

G. SILAMBARASAN

... PETITIONER / ACCUSED NO.3

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE,  
KARIMEDU POLICE STATION,  
MADURAI CITY.  
(IN CRIME NO. 780 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.M.MAKESH KUMARAVEL 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 apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Cr.No.780 of 2018 seek anticipatory bail.

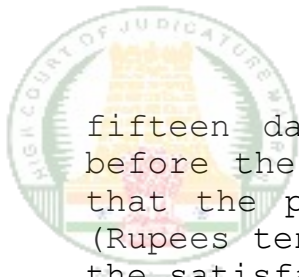
2.The case of the prosecution is that the defacto complainant's lorry was stolen by some persons.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submits that totally 6 accused involved in this case. A2 and A4 were remanded by the police. Property was recovered from A2 and A4. A1, A5 and A6 still in absconding. Petitioner is A3. There is no previous case is pending against the petitioner.

5.Taking into consideration the facts of the case and since the property has been recovered, this Court is 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, within a period of



fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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:

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[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 twice on daily at 10.30 a.m. and 5.00 p.m. until further orders.

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

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

[e] 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]**.

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

sd/-

04/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-V,MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE INSPECTOR OF POLICE  
KARIMEDU POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.M.MAKESH KUMARAVEL Advocate SR.No.210  
PS/PN/SAR-2/09.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.88 of 2019

Date :04/01/2019