



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

Tuesday, the Eighth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.89 of 2019

A. MADASAMY

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO. 393 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.MOHAN GANDHI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 IPC in Crime No.393 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with others had stolen two cows of the defacto complainant worth about Rs.30,000/-.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he had nothing to do with the alleged crime. Hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has no previous case and investigation is in progress.

5.Considering the nature of the offence, 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 before the learned Judicial Magistrate, Tiruchendur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two

sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

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

[b] the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] The petitioner report before the respondent Police daily at 10.00 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]**.

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

sd/-

08/01/2019

/ TRUE COPY /

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

TO

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

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MELUR MAIN ROAD, MADURAI.



+1. CC to M/S.S.M.MOHAN GANDHI Advocate SR.No.401

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JM/VR/SAR 3/18.01.2019/3P/7C

ORDER

IN

CRL OP(MD) No.89 of 2019

Date :08/01/2019