



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8979 of 2019

Pradeep

... Petitioner/Accused
(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.118 of 2019)

... Respondent/Complainant

For Petitioner : M/s.R.Anand, Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

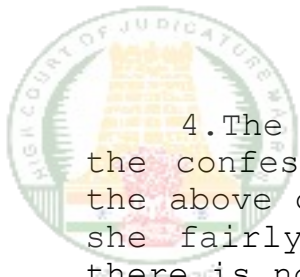
For Anticipatory Bail in Crime No.118 of 2019 on the file of the respondent Police.

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.118 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the property involved in this case is Motorcycle worth about Rs.40,000/-. He further submitted that in the FIR, the name of the petitioner has not been mentioned only based on the confession given by A1, the petitioner herein has been implicated in the above case. He further submitted that the petitioner is in no way connected with the aforesaid case and the property was already recovered from A1 and there is no previous case pending against the petitioner and hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate has submitted that based on the confession given by A1, the petitioner has been implicated in the above case. Hence, she strongly opposed this petition. However, she fairly conceded that already property has been recovered and there is no previous case pending against the petitioner.

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5. Taking into consideration the fact that there is no previous case pending against the petitioner and also the fact that the property has been recovered from A1, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Thiruvadanai, Ramanathapuram District, on condition that the petitioner shall execute 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 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) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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.

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

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

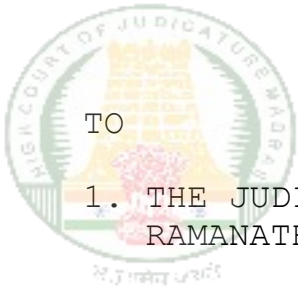
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

27/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.ANAND Advocate SR.No.10621

ORDER
IN
CRL OP (MD) No.8979 of 2019
Date :27/06/2019

MS/PN/SAR-3/05.07.2019/3P.6C