

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9679 of 2019

1. K.Karuppasamy,
2. T.Muneeswari, ... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No. 212 of 2019. ... Respondent/Complainant

For Petitioners: M/s.C.Senthil Murugan,
Advocate.

For Respondent : M/s.M..Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 212 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 381 of
IPC, in Crime No.212 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that even as per the FIR, the petitioners along with other
accused person had stolen 23 bags of Coriander. He further submitted

that the petitioners herein are working as employees under A1. Based on the confession of A1, a false case has been foisted against the petitioners. He further submitted that the stolen property has been recovered from A1 and A1 was already arrested and released on bail, and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that totally three accused persons involved in this case. The petitioners had stolen 23 bags of Coriander and the stolen property has been recovered from A1. A1 was already arrested and released on bail. She further submitted that the investigation is still pending. Hence, she opposed this petition. However, she fairly conceded that the petitioners are having no bad antecedents.

5.Taking into consideration the fact that already A1 was arrested and stolen properties (23 bags of Coriander) were recovered from A1 and also the submission made by the learned counsel for the petitioners that these petitioners are working as employees, under A1 and also the fact that they have no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioners 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

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

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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].

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

sd/-
10/07/2019

/ TRUE COPY /

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

TO

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

+1 CC to Mr.C.SENTHIL MURUGAN, Advocate (SR-11444[I] dated
10/07/2019)

सत्यमेव जयते

ORDER
IN

CRL OP(MD) No.9679 of 2019
Date :10/07/2019

dss

JM/JC/SAR-IV (18.07.2019) 3P 6C

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