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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10491 of 2019

Elangovan, ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
South Police Station, Thanjavur District.
(Crime.No.91 of 2019)

... Respondent/Complainant

For Petitioner : M/s.A.Arun Prasad,
Advocate.

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

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

PRAYER :-

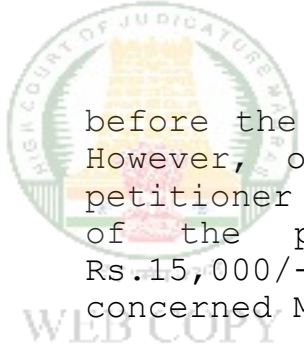
For anticipatory bail in Cr.No.91 of 2019 on the file of the respondent police.

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 406 IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that A2 is running a two wheeler stand in which, the defacto complainant has parked his Yamaha RX 135 bike on 31.08.2018. He has further submitted that in the said stand the petitioner herein is working as an employee and the said vehicle was stolen by some unknown persons, with regard to the same, a complaint lodged



before the respondent police. but they have not taken any action. However, on instructions, the learned counsel appearing for the petitioner has submitted that without prejudice to the contentions of the petitioner, he is prepared to deposit a sum of Rs.15,000/- to the credit of crime No.91 of 2019 before the concerned Magistrate.

4.The learned Government Advocate(Crl.side) appearing for the respondent police has submitted that the value of the said vehicle is Rs.30,000/- and A2 is running the said vehicle stand in which, A1 is working. She further submitted that investigation is pending and she strongly opposed this petition.

5.Taking into consideration of the aforesaid facts and also submission made by the learned counsel appearing for the petitioner that the petitioner is willing to deposit a sum of Rs.15,000/- to the crime No.91 of 2019 before the concerned Magistrate, 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 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.I, Thanjavur District 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 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing the bail bond the petitioner shall deposit Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.91 of 2019 before the learned Judicial Magistrate No.I, Thanjavur District.

[c]the petitioner shall report before the respondent Police as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
30/07/2019

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

TO

- 1 JUDICIAL MAGISTRATE NO.I
THANJAVUR DISTRICT
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.ARUN PRASAD Advocate SR.No.12569

ORDER
IN
CRL OP(MD) No.10491 of 2019
Date :30/07/2019

KM/JC/SAR-I (06.08.2019) 3P 6C