



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11307 of 2019

1. Udaya
2. Kavi
3. Nivas @ Subash ... Petitioners/Accused 2,3 & 4

- Vs-

State Rep.by
The Sub Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Crime No.86 of 2019)

... Respondent/Complainant

For Petitioners: M/s.R.Suresh Kumar, Advocate.
For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.86 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 Sections 454 and 380 of IPC in Crime No.86 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted these petitioners have been arrayed as accused, based on the confession statement given by A-1 before the Police. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners



trespassed into the garden of the defacto complainant and committed theft of 10 metres of electric wire. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the property was recovered and no previous case is pending against these petitioners.

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4. Taking into consideration of the aforesaid facts and also the fact that property was recovered from the petitioners and no previous case is pending against the petitioners and also the fact that these petitioners have been arrayed as accused, based on the confession statement given by A-1, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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, Nilakottai, Dindigul District on condition that the petitioners shall each 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:

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

[b] 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 for the interrogation.

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

[d] the petitioners 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 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].

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

sd/-

13/08/2019

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



TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI,
DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.SURESH KUMAR Advocate SR.No.13492

ORDER

IN

CRL OP(MD) No.11307 of 2019

Date :13/08/2019

MS/VR/SAR-4/20.08.2019/3P.6C