

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11357 of 2019

R.Rasu ... Petitioner/Accused
rank not known

Vs

State Rep.by
The Inspector of Police,
West Police Station,
Virudhunagar,
Crime No.267 of 2019 ... Respondent/Complainant

For Petitioner : M/s.B.Sudhasathyanand,
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. 267 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.267 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 29.04.2019, when the defacto
complainant was driving the lorry with 250 Beedi bundle bags, some
persons followed the said lorry by Bolero Pick-up Van and committed
theft of 11 Beedi bundle bags worth about Rs.3,30,000/-. He further
submitted that the properties were recovered from co-accused persons
and based on the confession of the co-accused persons the petitioner
has been arrayed as accused. He further submitted that the

petitioner is not having any bad antecedents and his name has not been mentioned in the FIR, and hence, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner and the other accused persons have committed theft of 11 Beedi bundle bags worth about Rs.3,30,000/-. Hence, she opposed this petition. However, she fairly conceded that no previous case is pending against the petitioner.

5.Taking into consideration of the fact that in the FIR, the name of the petitioner has not been mentioned and also the fact that only based on the confession said to have been given by the co-accused, the petitioner is arrayed as accused and also the fact that already the properties were recovered from the co-accused and also the fact that no previous case is pending against the petitioner, 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, Virudhunagar, 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:

(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 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/-
16/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE INSPECTOR OF POLICE,
WEST POLICE STATION, VIRUDHUNAGAR.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.SUDHASATHYANAND Advocate SR.No.13609

ORDER
IN
CRL OP(MD) No.11357 of 2019
Date :16/08/2019

MS/VR/SAR-2/20.08.2019/3P.6C

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