



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2020

CORAM :

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11005 of 2020

Maheswaran

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Mannargudi Taluk Police Station
Mannargudi, Tiruvarur District
(Crime No. 799/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in connection with Crime No. 799 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Section 379 IPC, in Crime No. 799 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with two other accused persons had committed the theft of goats from the defacto complainant's goat shed.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the stolen goats were recovered by the respondent police. He would further submit A1 and A2 in this case have been granted bail by this Court vide order dated 30.06.2020 in Crl.O.P.No.9682 of 2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other two accused had committed the theft of goats from the defacto complainant. He would further submit that the main Accused A1 and A2 have been granted bail by this Court.



5. Taking into consideration the facts and circumstances and also considering the submissions so made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

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6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lock down or the commencement of the Court's normal functioning, whichever is earlier, before the learned Judicial Magistrate No.1, Mannargudi, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
MANNARGUDI, TIRUVARUR DISTRICT

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.11005/2020

Date :24/07/2020

RVR 16/09/2020