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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/06/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5217 of 2020

Muthupandi

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Sub Inspector of Police,
Alangulam Police Station,
Tenkasi District
Cr No.81/2020.

... Respondent/Complainant

For Petitioner : Mr.D.Shanmugaraja Sethupathi,
Advocate.

For Respondent : R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.81 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 457 and
380 of IPC in Crime No.81 of 2020 on the file of the respondent
police, seeks anticipatory bail.



3.The petitioner, who is working as a Security Supervisor in Wind Mill Company, is before this Court apprehending arrest on the complaint given by Subramanian, who is the Security Supervisor in another Wind Mill Company. From the FIR this Court finds that on 06.03.2020 the spare parts of the defacto complainant's Wind Mill Company, worth about Rs.45,000/-, was found missing. In this regard, a complaint has been given to the respondent Police on 19.03.2020. Thereafter, the Investigation Officer has taken up the investigation and has found that the stolen spare parts were kept in Batiliboi Wind Mill Company, in which the petitioner is working as Security. From the statement of the Magazor witness, it appears that the petitioner along with another accused by name Vairamuthu has stolen spare parts from the defacto complainant's Wind Mill and has replaced it in the Batiliboi Wind Mill Company.

4.Since the stolen articles has already been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Alangulam, Thenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.40,000/- (Rupees Forty Thousand only) with two sureties, each 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 said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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/ /2020

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

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.5217 of 2020
Date :04/06/2020

RMK
TE/VR/SAR-III : 05/06/2020 : 3P/5C