



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/05/2020

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PRESENT

**The Hon`ble Dr.Justice G.JAYACHANDRAN**

CRL OP(MD) . No.5412 of 2020

N.Jeevanantham

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Cumbam South Police Station,  
Theni District.  
(Crime No. 507/2020)

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,  
Advocate.  
For Respondent : Mr.S.Chandarasekar,  
Additional Public Prosecutor

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

**PRAYER :-**

For Anticipatory Bail in Crime No.507 of 2020 on the filed of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., in Crime No.507 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Pursuant to the complaint given by one Rajaraman alleging that the petitioner has stolen his bike parked in front of his house. The respondent has registered the case. The basis for the complaint is the CCTV footage alleged to have recorded by the complainant. Whereas, the complainant has not furnished the CCTV footage to the respondent police till date.

3.The learned counsel appearing for the petitioner would submit that there is a previous enmity between the de-facto complainant and the petitioner and therefore, with an imaginary accusation as if the vehicle of the de-facto complainant was stolen by the petitioner herein, a false complaint has been given.



4.Taking note of the fact that the report of alleged theft itself was given belatedly after nearly 19 days without the CCTV footage, hence, 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 by the respondent police on executing a own bond for a sum of Rs.10,000/- and further the petitioner shall produce two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned Judicial Magistrate Court, Uthamapalayam within one month and on further condition that:

(a)the petitioner and 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,  
CUMBAM SOUTH POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5412 of 2020

Date :26/05/2020