



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

Date : 02/06/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5600 of 2020

K.Kasimayan,

... Petitioner/Accused

Vs

The State Rep. BY
The Inspector of Police,
Mathichiyam Police Station,
Madurai City,
(Crime No.not known of 2020).

... Respondent/Complainant

For Petitioner : M/s K.Sathish Kumar,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. not known of 2020 on 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
IPC seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned
Government Advocate(Crl.Side) for the State.

3. On 13.01.2020 the house was broken and jewels and cash
were stolen from the bureau. In this regard the respondent police
has registered case in Crime No. 39 of 2020 for the offences under
Sections 457 and 380 of IPC. Discreet enquiry has revealed that the
petitioner might have committed the said offence. Hence he was
summoned to the police station for interrogation. At this juncture
the petitioner herein has filed the present petition for
anticipatory bail.

4. According to the petitioner he is innocent and police has
seized away 10 sovereigns of gold jewels from the
<https://hcservicesadvisors.gov.in/hcservices/>



petitioner's mother under the guise of investigation.

5. The learned Government Advocate(Crl.Side) would submit that this petitioner though summoned to appear before the investigating Officer for investigation he did not turned up but absconded himself. There are previous antecedent of similar offence committed by this petitioner. Hence he opposed to grant anticipatory bail to the petitioner.

6. Taking note of the submission on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 No.II, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 daily at 10.30 a.m., until further orders

[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.

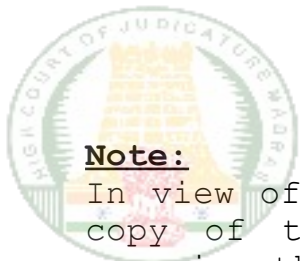
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 229-A IPC.

sd/-
02/06/2020

/ TRUE COPY /

/ /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 NO.II,
MADURAI DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MADURAI CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S K.SATHISH KUMAR Advocate SR.No.5747

ORDER
IN
CRL OP(MD) No.5600 of 2020
Date :02/06/2020

PD/JC/SAR 2/03.06.2020/3P/6C