



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CRL OP (MD) . No.6062 of 2020

1. C.Pandi
2. N.Kannan

... Petitioners/Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Pallathur Police Station,
Sivagangai District
Crime No. Not known of 2020.

... Respondent/Complainant

For Petitioners : M/s. Pr.Boomee Rajan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

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

PRAYER :-

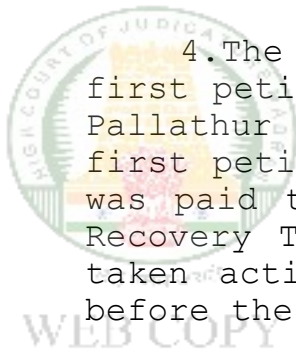
For Anticipatory Bail in Crime no.Not known of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 380 of I.P.C., on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners are involved in theft near rice mill building and they have taken machineries worth about Rs.10 lakhs to sale the same.



4. The learned counsel for the petitioner submitted that the first petitioner is the owner of the Srivarmakaliamman Rice Mill at Pallathur and the second petitioner is the finance supporter of the first petitioner. He further submitted that though the entire loan was paid through three time installments as per the order of Debt Recovery Tribunal, Madurai, the concerned Bank Manager has wrongly taken action against the petitioners and now the case is pending before the DRAT at Chennai in S.A.No.381 of 2019.

5. The learned Government Advocate (Criminal Side) has opposed to grant bail to the petitioner, since investigation is at the initial stage.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-cum-District Munsif Court, Karaikudi, Sivagangai District and on their executing 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 learned Magistrate concerned;

(ii) The petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) jointly before the concerned de-facto complainant Bank, within two weeks and they shall appear before the respondent police as and when required for interrogation.

(iii) 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]**; and;

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

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

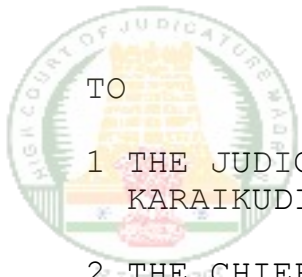
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE - CUM - DISTRICT MUNSIF COURT,
KARAIKUDI, SIVAGANGAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.6062 of 2020

Date :15/06/2020

SDS / SKN / SAR-2 (16.06.2020) 3P-5C