



WEB COPY

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

Date : 17/06/2020

PRESENT

The Hon`ble **Mr.Justice M.DHANDAPANI**

CRL OP(MD) . No.6307 of 2020

V.Kannan, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nagiahpuram Police Station,
Madurai District.
Crime No.29/2020

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanaban,
M/s.APN Law Associates,
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.29 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 Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.29 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 29.01.2020, the petitioner has stolen a white colour Mahendra Bolero Vehicle bearing Registration No.TN 58 AU-5622 belongs to the defacto complainant's wife. Hence, the complaint.



4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He would further submit that it is purely personal dispute by raising criminal case.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that investigation is almost completed and the stolen vehicle was recovered by the Police. He further submitted that no previous case is pending against the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the stolen vehicle was recovered by the Police, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Peraiyur, Madurai District and on his 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 concerned Magistrate;

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter, 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 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

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

7. The petitioner 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.

8. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
17/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
NAGIAHPURAM POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6307 of 2020

Date :17/06/2020

RMK

AE/PN/SAR-II (22.06.2020) 3P 5C