



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

Date : **18/06/2020**

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.6316 of 2020

1. MANIKANDAN
2. SOORI @ SOORIYA ... PETITIONERS/ACCUSED
RANK NOT KNOWN

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.320/2020). ... RESPONDENT/COMPLAINANT

For Petitioners : M/s.P.T.Ramesh Raja,Advocate.

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

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

PRAYER :

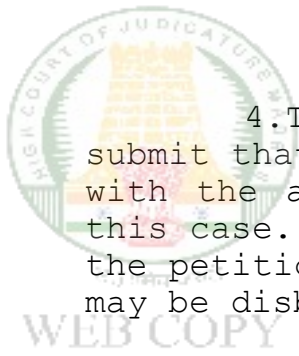
For Anticipatory Bail in Crime No. 320/2020 on the file of the respondent police

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 sections 379 and 429 of I.P.C., in Crime No.320 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that on 16.05.2020 at 23.30 hrs, a bull worth about Rs.80,000/- was stolen from the de facto complainant's house by three unknown suspected persons including the petitioner. Hence, the complaint.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence and they have been falsely implicated in this case. Learned counsel on instructions would further submit that the petitioners are ready to deposit Rs.70,000/- and the said amount may be disbursed to the de facto complainant.

5. I have heard the learned counsel appearing on either side and perused the materials on record.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] The petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Boothapandi, Kanyakumari 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 learned Magistrate concerned;

[b] The petitioners are directed to pay a sum of Rs.70,000/- (Rupees Seventy Thousand Only), to the account of Crime No.320 of 2020 on the file of the respondent police, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the said amount will be disbursed to the de facto complainant, after receipt of an affidavit from the de facto complainant;

[c] The petitioners are directed to appear before the respondent police as and when required, for interrogation;

[d] The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[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 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

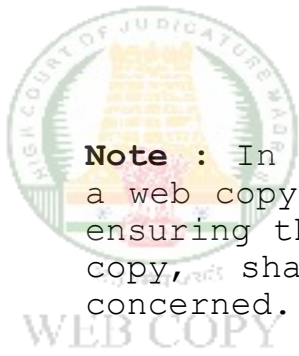
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

5. 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.

sd/-
18/06/2020

/ 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,
BOOTHAPANDI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6316 of 2020
Date :18/06/2020

STS
JM/PN/SAR 3/22.06.2020/3P/5C