



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

Date : 10/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7226 of 2020

Arunkumaran

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai, Tirunelveli District.
Cr.No. 191 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
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 Cr.No. 191 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest
at the hands of the respondent police for the offences punishable
under Section 379 of IPC, in Crime No.191 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and
another accused persons were said to have stolen the bike of the
defacto complainant. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has been falsely
implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions,
submitted that there is no previous case pending against the
petitioner.

6.Considering the facts and circumstances of the case and that
there is no previous case pending against the petitioner, this Court
is inclined to grant anticipatory bail to the petitioner with
certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Radhapuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and 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]; and;

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

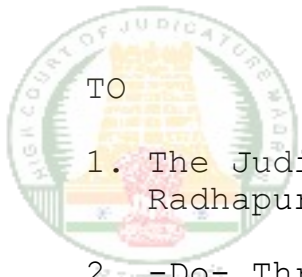
sd/-
10.07.2020

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

vsg

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 Court,
Radhapuram.
2. -Do- Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.7226 of 2020
Date : 10/07/2020

VB SKN SAR 3 (13.07.2020) 3P 5C