



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL OP(MD). No.7879 of 2020

K.Murali

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Melatur Police Station,
Thanjavur District.
Cr.No. 30 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.R.Laxman,
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.30 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 of IPC, in Crime No.30 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused were said to have stolen the van from 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 not committed any offence as alleged by the prosecution. He further submitted that only based on the confession statement said to have been given by A1, the petitioner has been arrayed as accused in this case. He further submitted that A1 has already been arrested and released on bail by the lower Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to previous enmity, the petitioner and other accused were said to have stolen the van from the defacto complainant. Thereafter, A1 was arrested by the respondent Police and voluntarily he gave a confession statement. He further submitted that based on the confession statement said to have been given by A1, the petitioner has been arrayed as accused in this case.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that due to previous enmity, the petitioner and other accused person were said to have stolen the van from the defacto complainant and based on the confession statement of A1, the petitioners has been arrayed as A3 and A1 has already been arrested and released on bail by the lower Court, in view of the above facts, 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 No.III, Thanjavur, 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 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 as and when required for interrogation.

(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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/07/2020

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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.III, THANJAVUR.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
MELATUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7879 of 2020

Date :31/07/2020

VSG

TE/JC/SAR-II : 04/08/2020 : 3P/5C