



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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8486 of 2020

Boominathan

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Keelathoval Police Station,
Ramanathapuram District.
Crime No.not known of 2020

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah, 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 :-

The petitioner who is arrayed as A-1 apprehending arrest at the
hands of the respondent police for the offences punishable under
section 380 of I.P.C., in Crime No.not known of 2020 on the file of
the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are five
accused in this case and this petitioner is arrayed as A-1. The
allegation is that the petitioner and the other accused persons
said to have stolen Cow from the defacto complainant's home. Hence,
the complaint.

3. Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (criminal 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 seeks anticipatory bail.



5.The learned Government Advocate (criminal side), on instructions, submitted that the Cow was seized by the respondent police. He further submitted that there is no bad antecedents against the petitioner.

6.Considering the fact and circumstances of the case and submission made by the learned Government Advocate (criminal side), 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 on his appearance before the learned Judicial Magistrate, Mudhukulathur, Ramanathapuram District, and on his executing 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 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;

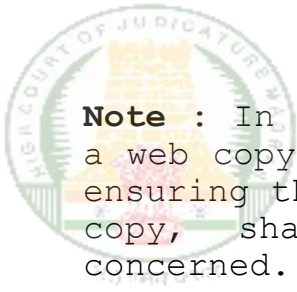
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
31/08/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KEELATHOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8486 of 2020
Date :31/08/2020

KSA
TK/JC/SAR.2/02.09.2020/3P/5C