



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

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9759 of 2020

1.Veerapandi

2.Thangapandi @ Thangam

... Petitioners/Accused No.3 & 4

Vs

The State Rep.by,
The Inspector of Police,
Devadanapatti Police Station,
Theni District.

(Cr.No. 1338 of 2020).

... Respondent/Complainant

For Petitioners : Mr.P.Balasubramanian,
Advocate.

For Respondent : M/s.Veronica Vincent
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.1338 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners herein along with other accused said to have stolen goats of the defacto complainant and caught red handed. Hence the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that A1 was arrested and released on bail by the Sessions Court.

5.The learned Government Advocate(Crl.Side) would submit that petitioners herein along with other accused said to have stolen goats of the defacto complainant. She would also submit that A1 was



arrested and released on bail by the Sessions Court and the bail petition of A2 was dismissed by the Sessions Court. She would also submit that the stolen goat was recovered.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the stolen goat was recovered and A1 in this case was granted bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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.

sd/-
22/09/2020

/ 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, PERIYAKULAM,
THENI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
- 3.THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9759 of 2020
Date :22/09/2020

AAV
PK/JC/SAR-2/24.09.2020 : 3P/5C