



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

Date : 02/11/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11758 of 2020

1. P.Jayapal
2. Sudhakar

... Petitioners/
Accused (Rank not known)

Vs

The State rep. by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No. 557 of 2020.

... Respondent/Complainant

For Petitioners: Mr.G.Thalaimutharasu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 557 of 2020 on the file of
the respondent police

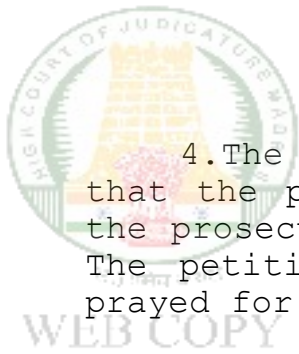
ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.Rank Not Known,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 457 and 380 of IPC, in Crime
No.557 of 2020 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners have
stolen 385 liquor bottles from the TASMAL Shop No.12070 at
Rajapalayam. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioners and
the learned Government Advocate (Criminal Side) appearing for the
respondent.

<https://hcservices.eprints.gov.in/hcservices/>



4.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners are not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are having one previous case.

6.Considering the facts and circumstances of the case and also considering the quantity of liquor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the Regional Manager, TASMAG, Virudhunagar District. On such payment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood related 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 daily at 10.30 a.m until further orders.

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

sd/-
02/11/2020

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/ /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,
RAJAPALAYAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE REGIONAL MANAGER,
TASMAC,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP(MD) No.11758 of 2020
Date :02/11/2020

VSG
SRS/SMA/SAR-II/06.11.2020/3P/6C