



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

Date : 11/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD).No.12870 of 2020

M.Sankar

... Petitioner/Accused Rank Not Known

Vs

State rep.by,
The Sub Inspector of Police,
Appanthirupathy Police Station,
Madurai District.

In Crime No.714 of 2020. ... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
Advocate.

For Respondent : M/s.M.Anandha devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.714 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 IPC, in Crime No.714 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally five accused in this case. The defacto complainant is a shepherd and having goats in the village. On 18.07.2020 at 2.30 a.m. A1 and A2 made an attempt to take away two goats. The defacto complainant and villagers have red handed the A1 and A2. The value of the goats are Rs.16,000/-. The accused 3 to 5 ran away from the place of occurrence. Hence, the case has been registered.

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 A1 and A2 were arrested and remanded to judicial custody. The accused 3 to 5 were implicated in the case on the strength of the confession statement of A1 and A2. He further submitted that A1 and A2 already released on bail and the properties were recovered from A1 and A2 and handed over to the defacto complainant. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case 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 two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.5, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as on 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/-
11/11/2020

WEB COPY

/ 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 NO.V, MADURAI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3.THE SUB INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.7498

ORDER
IN
CRL OP(MD) No.12870 of 2020
Date :11/11/2020

VSD
PK/AKM/SAR-III/20.11.2020 : 3P/6C