

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Cr1.O.P. No.8422 of 2021

1.G.Kalyanasundaram
2.K.Rajeshkannan
3.S.Chandrasekar

.. Petitioners/ Accused 1 to 3

Vs.

The State Represented by
The Inspector of Police,
Kodavasal Police Station,
Thiruvavarur District.
[Crime No.401 of 2021]

... Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under
Section 438 of Criminal Procedure Code.

For Petitioners : Mr.D.Prabu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioners, who apprehend arrest for the alleged offence
under Section 379 of I.P.C. in Crime No.401 of 2021 on the file of
the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are
alleged to have stolen the barbed fencing worth Rs.40,000/- erected
at the Banana grove inherited through the defacto complainant's
husband after his demise. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons and they have not committed
any offence as alleged by the prosecution. However, on instructions,
the learned counsel for the petitioners submits that without
prejudice to the rights of the petitioners, the petitioners are ready
to deposit non-refundable amount of Rs.20,000/-. Accordingly, he
prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate appearing for the respondent would submit that the petitioners have taken away the entire fencing materials worth Rs.40,000/- and hence, opposed for granting anticipatory bail to them.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side and the further fact that the petitioners undertake that they would deposit non-refundable amount of Rs.20,000/-, this Court is inclined to grant anticipatory bail to the petitioners on the conditions that the petitioners should deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.401 of 2021 on the file of the Judicial Magistrate, Thiruvarur. The said amount may be ordered to be disbursed to the defacto complainant after the investigation is completed and the final report is filed. This liberty given to the defacto complainant to get the said amount is irrespective of the result of the case after conclusion of the trial:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvarur on condition that the petitioners shall each 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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., for a period of two weeks and thereafter 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; and

[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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.PRABU Advocate on payment of necessary charges
Sr.5871

CRL OP.8422/2021

Date :06/05/2021

RVR 17/05/2021

WEB COPY