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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12873 of 2021

Manthrasalam

... Petitioner

Vs.

The State
Represented by,
Inspector of Police,
Madathukkulam Police Station,
Tiruppur District.
(Crime No.333 of 2021)

... Respondent

Prayer :

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.333 of 2021 pending investigation on the file of Inspector of Police, Madathukkulam Police Station, Tiruppur District.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.C.E.Pratap
for P.P.

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC in Cr.No.333 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have stolen the iron plates, used for centring purpose, worth about Rs.1,40,000/-, belonging to the Highways Department.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- to the Divisional Engineer, Highways Department, Madathukkulam.

4.Heard the submissions made by the learned Government Advocate.



5. Considering the fact that the petitioner is ready to deposit a sum of Rs.1,00,000/- to the Divisional Engineer, Highways Department, Madathukkulam, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Madathukkulam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) through demand draft drawn in favour of the Divisional Engineer, Highways Department, Madathukkulam, the said amount appropriate with Government account. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
27/07/2021

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

TRUE COPY



TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADATHUKKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADATHUKKULAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE DIVISIONAL ENGINEER,
HIGHWAYS DEPARTMENT,
MADATHUKKULAM.

+1 CC to M/S M.SIVAVARTHANAN Advocate on payment of necessary
charges SR.NO. 7785

CRL OP.12873/2021

Date :27/07/2021

TA-05/08/2021