



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23393 of 2021

Lakshmiganth

... Petitioner

Versus

The State represented by  
The Inspector of Police,  
Srimushnam Police Station,  
Srimushnam, Cuddalore District.  
(Crime No.469 of 2021)

... Respondent

**Prayer:-** Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.469 of 2021 on the file of the Inspector of Police, Srimushnam Police Station, Cuddalore District.

For Petitioner : Mr.D.Arun

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

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### **O R D E R**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 457, 380 of IPC in Crime No.469 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner alleged to have been trespassed into the Pump set of the defacto complainant and stolen the 15 iron pipes from the pump set of the defacto complainant. Therefore, the defacto complainant has stated to have lodged the complaint with the respondent police and following the same the respondent police alleged to have registered the case and searching the petitioner for the arrest. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the co-accused already released on bail and the petitioner stolen the 15 iron pipes. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.II, Virudhachalam, Cuddalore District, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders;

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

-sd/-

06/12/2021

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,  
NO.II, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
SRIMUSHNAM POLICE STATION,  
SRIMUSHNAM, CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. D.ARUN Advocate on payment of necessary charges  
SR.NO.14095

CRL OP.23393/2021

Date :06/12/2021

RW 09/12/2021