



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25261 of 2021

1. Mathiyazhagan ...Petitioners
2. Karthik

Versus

State Rep by ...Respondent
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.291 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.291 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S.R.Prabakar

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

Order

The petitioners, who apprehend arrest for the alleged offences under Section 379 of IPC in Cr.No.291 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is a cable operator and the 2nd petitioner is his brother in law assisting him. They were alleged to have entered the house of the defacto complainant and removed the cable wires and set top box and other instruments to the tune of 1 Lakh and disconnected the cable connection. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that they have no way connected with the alleged occurrence and they have been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.15,000/-



in total to the credit of the crime number and also conceded to be disbursed to the defacto complainant as per the Court order. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) submits that the petitioners have involved in theft of cable wires and set top box and other instruments to the tune of one lakh that belong to the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners, on their own volition, are ready to deposit an amount of Rs.15,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Harur, Dharmapuri District** on condition that the petitioners shall execute separate 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 petitioners shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** in total to the credit of Cr.No.291 of 2021 before the **learned Judicial Magistrate Court, Harur, Dharmapuri District** within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the **learned Judicial Magistrate Court, Harur, Dharmapuri District** shall disburse a sum of Rs.15,000/- to the defacto complainant obtaining an affidavit of undertaking from the defacto complainant that in the event of the petitioners succeeding the case, the amount of Rs.15,000/- received by him would be returned back to the petitioners to the credit of Cr.No.291 of 2021 will be returned to the petitioners within a period of two weeks from the date of deposit.

(b) the petitioners 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 petitioners are directed to appear before the respondent police every Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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/-

23/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

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+1 CC to M/S R.PRABAKAR Advocate on payment of necessary
charges SR.NO.15594

CRL OP.25261/2021

Date :23/12/2021

TA-04/01/2022