



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

Date : 28/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.6023 of 2021

M.Tamilselvan

... Petitioner/
Accused (Rank not known)

Vs

The State rep. by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District
(Crime No.38 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Marimuthu N, Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.38 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC in Crime No.38 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. The case of the prosecution is that on 21.01.2021 at about 02.00 a.m., the petitioner along with other accused said to have stolen three goats which belongs to the de-facto complainant. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He would further submit that the co-accused has already been granted bail and hence, he seeks anticipatory bail.



5.The learned Government Advocate (criminal side) would submit that the co-accused has already been granted bail and that the stolen goats were recovered from A-1.

6.Considering the facts and circumstances of the case and the fact that the co-accused has already been granted bail and that the stolen goats were recovered from A-1, 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 learned Judicial Magistrate No.II, Sivakasi, and on his executing 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 learned Magistrate concerned and on further conditions that,

(a)the petitioner 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 cards or Bank pass Books to ensure their identity;

(b)the petitioner shall report before the respondent police daily 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

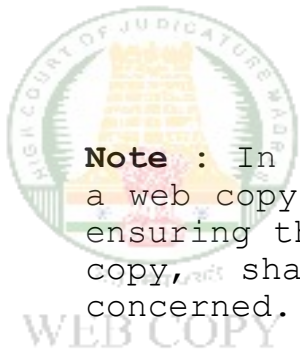
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28/04/2021

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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.II,
SIVAKASI.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.N.MARIMUTHU, Advocate (SR-3496[I] dated 29/04/2021)

ORDER

IN

CRL OP(MD) No.6023 of 2021

Date :28/04/2021

SJI

SRS/PN/SAR-II/13.05.2021/3P/6C